

AMENDED IN SENATE JUNE 25, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1757

Introduced by Committee on Budget (Oropeza (Chair), Bermudez, Chan, Chu, Diaz, Dutra, Dymally, Goldberg, Hancock, Jackson, Liu, Montanez, Nakano, Pavley, Reyes, Simitian, and Wolk)

March 11, 2003

An act ~~relating to the Budget Act of 2003~~ to repeal Chapter 9 (commencing with Section 8750) of Division 1 of Title 2 of the Government Code, and to amend Sections 273.82, 999c, 999j, 999k, 999n, 999p, 999r, 999s, 999v, 999x, 999y, 1174.2, 1191.21, 6241, 11160, 11161.2, 11166.9, 11171, 11501, 11502, 11504, 13100.1, 13800, 13812, 13823, 13823.12, 13823.13, 13823.15, 13823.16, 13823.2, 13823.4, 13823.5, 13823.9, 13823.93, 13825, 13825.10, 13826.1, 13826.15, 13826.62, 13826.7, 13830, 13832, 13833, 13835.2, 13835.6, 13835.7, 13836, 13836.1, 13837, 13843, 13844, 13846, 13847, 13847.2, 13848.2, 13848.4, 13848.6, 13851, 13854, 13861, 13864, 13876, 13879, 13879.5, 13881, 13897.2, 13897.3, 13901, 14111, 14112, 14117, 14118, 14119, 14120, 14121, 14140, and 14172 of, to repeal Sections 13821 and 13822 of, and to repeal and add Section 13820 of, the Penal Code, relating to state agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 1757, as amended, Committee on Budget. ~~Budget Act of 2003~~
State agencies.

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2003.~~

Existing law, known as the Dixon-Zenovich-Maddy California Arts Act of 1975, establishes the Arts Council consisting of 9 members appointed by the Governor, one member appointed by the Speaker of the Assembly, and one member appointed by the Senate Committee on Rules. Under existing law the Arts Council is charged with, among other duties, encouraging artistic awareness, helping independent local groups develop their own art programs, promoting the employment of artists and those skilled in crafts, providing for the exhibition of art work in public buildings, establishing grant application criteria and procedures, and awarding prizes or direct grants.

This bill would abolish the Arts Council.

Existing law establishes the Office of Criminal Justice Planning, vests the office with specified powers and authority, and imposes upon the office various obligations and duties.

This bill would abolish the Office of Criminal Justice Planning, and instead provide that the powers, authority, duties and obligations of that office would be transferred to and assumed by an agency or agencies designated by the Director of Finance, as specified. This bill would make other conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. It is the intent of the Legislature to enact~~
2 ~~statutory changes relating to the Budget Act of 2003.~~

3 *SECTION 1. Chapter 9 (commencing with Section 8750) of*
4 *Division 1 of Title 2 of the Government Code is repealed.*

5 *SEC. 2. Section 273.82 of the Penal Code is amended to read:*

6 273.82. Spousal abuser prosecution units receiving funds
7 under this chapter shall concentrate enhanced prosecution efforts
8 and resources upon individuals identified under selection criteria
9 set forth in Section 273.83. Enhanced prosecution efforts and
10 resources shall include, but not be limited to, all of the following:
11 (a) (1) Vertical prosecutorial representation, whereby the
12 prosecutor who, or prosecution unit that, makes all major court
13 appearances on that particular case through its conclusion,
14 including bail evaluation, preliminary hearing, significant law and
15 motion litigation, trial, and sentencing.

(2) Vertical counselor representation, whereby a trained domestic violence counselor maintains liaison from initial court appearances through the case's conclusion, including the sentencing phase.

(b) The assignment of highly qualified investigators and prosecutors to spousal abuser cases. "Highly qualified" for the purposes of this chapter means any of the following:

(1) Individuals with one year of experience in the investigation and prosecution of felonies.

(2) Individuals with at least two years of experience in the investigation and prosecution of misdemeanors.

(3) Individuals who have attended a program providing domestic violence training as approved by the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 or the Department of Justice.

(c) A significant reduction of caseloads for investigators and prosecutors assigned to spousal abuser cases.

(d) Coordination with local rape victim counseling centers, spousal abuse services programs, and victim-witness assistance programs. That coordination shall include, but not be limited to: referrals of individuals to receive client services; participation in local training programs; membership and participation in local task forces established to improve communication between criminal justice system agencies and community service agencies; and cooperating with individuals serving as liaison representatives of local rape victim counseling centers, spousal abuse victim programs, and victim-witness assistance programs.

SEC. 2. Section 999c of the Penal Code is amended to read:

999c. (a) There is hereby established in the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 a program of financial and technical assistance for district attorneys' offices, designated the California Career Criminal Prosecution Program. All funds appropriated to the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 for the purposes of this chapter shall be administered and disbursed by the executive director of such office that agency or agencies in consultation with the California Council on Criminal Justice, and shall to the greatest extent

1 feasible be coordinated or consolidated with federal funds that
2 may be made available for these purposes.

3 (b) The executive director *of that agency or agencies* is
4 authorized to allocate and award funds to counties in which career
5 criminal prosecution units are established in substantial
6 compliance with the policies and criteria set forth below in
7 Sections 999d, 999e, 999f, and 999g.

8 (c) ~~Such~~ The allocation and award of funds shall be made upon
9 application executed by the county's district attorney and
10 approved by its board of supervisors. Funds disbursed under this
11 chapter shall not supplant local funds that would, in the absence of
12 the California Career Criminal Prosecution Program, be made
13 available to support the prosecution of felony cases. Funds
14 available under this program shall not be subject to review as
15 specified in Section 14780 of the Government Code.

16 SEC. 3. Section 999j of the Penal Code is amended to read:

17 999j. (a) There is hereby established in the ~~Office of~~
18 ~~Criminal Justice Planning~~ *agency or agencies designated by the*
19 *Director of Finance pursuant to Section 13820* a program of
20 financial and technical assistance for district attorneys' offices,
21 designated the Repeat Sexual Offender Prosecution Program. All
22 funds appropriated to the ~~Office of Criminal Justice Planning~~
23 *agency or agencies designated by the Director of Finance*
24 *pursuant to Section 3820* for the purposes of this chapter shall be
25 administered and disbursed by the executive director of ~~such~~
26 ~~office~~ *that agency or agencies*, and shall to the greatest extent
27 feasible, be coordinated or consolidated with any federal or local
28 funds that may be made available for these purposes.

29 The ~~Office of Criminal Justice Planning~~ *agency or agencies*
30 *designated by the Director of Finance pursuant to Section 13820*
31 shall establish guidelines for the provision of grant awards to
32 proposed and existing programs prior to the allocation of funds
33 under this chapter. These guidelines shall contain the criteria for
34 the selection of agencies to receive funding, as developed in
35 consultation with an advisory group to be known as the Repeat
36 Sexual Offender Prosecution Program Steering Committee. The
37 membership of the Steering Committee shall be designated by the
38 Executive Director of the ~~Office of Criminal Justice Planning~~
39 *agency or agencies designated by the Director of Finance*
40 *pursuant to Section 13820*.

A draft of the guidelines shall be developed and submitted to the Chairpersons of the Assembly Criminal Law and Public Safety Committee and the Senate Judiciary Committee within 60 days of the effective date of this chapter and issued within 90 days of the same effective date. These guidelines shall set forth the terms and conditions upon which the ~~Office of Criminal Justice Planning~~ *agency or agencies designated by the Director of Finance pursuant to Section 13820* is prepared to offer grants pursuant to statutory authority. The guidelines shall not constitute rules, regulations, orders, or standards of general application.

(b) The executive director is authorized to allocate and award funds to counties in which repeat sexual offender prosecution units are established or are proposed to be established in substantial compliance with the policies and criteria set forth below in Sections 999k, 999l, and 999m.

(c) ~~Such~~ *The* allocation and award of funds shall be made upon application executed by the county's district attorney and approved by its board of supervisors. Funds disbursed under this chapter shall not supplant local funds that would, in the absence of the California Repeat Sexual Offender prosecution program, be made available to support the prosecution of repeat sexual offender felony cases. Local grant awards made under this program shall not be subject to review as specified in Section 14780 of the Government Code.

SEC. 4. Section 999k of the Penal Code is amended to read:

999k. Repeat sexual offender prosecution units receiving funds under this chapter shall concentrate enhanced prosecution efforts and resources upon individuals identified under selection criteria set forth in Section 999l. Enhanced prosecution efforts and resources shall include, but not be limited to:

(a) Vertical prosecutorial representation, whereby the prosecutor who makes the initial filing or appearance in a repeat sexual offender case will perform all subsequent court appearances on that particular case through its conclusion, including the sentencing phase.

(b) The assignment of highly qualified investigators and prosecutors to repeat sexual offender cases. "Highly qualified" for the purposes of this chapter shall be defined as: (1) individuals with one year of experience in the investigation and prosecution of felonies or specifically the felonies listed in subdivision (a) of

1 Section 999l; or (2) individuals whom the district attorney has
2 selected to receive training as set forth in Section 13836; or (3)
3 individuals who have attended a program providing equivalent
4 training as approved by the ~~Office of Criminal Justice Planning~~
5 *agency or agencies designated by the Director of Finance*
6 *pursuant to Section 13820.*

7 (c) A significant reduction of caseloads for investigators and
8 prosecutors assigned to repeat sexual offender cases.

9 (d) Coordination with local rape victim counseling centers,
10 child abuse services programs, and victim witness assistance
11 programs. ~~Such coordination~~ *Coordination* shall include, but not
12 be limited to: referrals of individuals to receive client services;
13 participation in local training programs; membership and
14 participation in local task forces established to improve
15 communication between criminal justice system agencies and
16 community service agencies; and cooperating with individuals
17 serving as liaison representatives of local rape victim counseling
18 centers and victim witness assistance programs.

19 *SEC. 5. Section 999n of the Penal Code is amended to read:*

20 999n. (a) The selection criteria set forth in Section 999l shall
21 be adhered to for each repeat sexual offender case unless, in the
22 reasonable exercise of prosecutor's discretion, extraordinary
23 circumstances require departure from ~~such~~ *those* policies in order
24 to promote the general purposes and intent of this chapter.

25 (b) Each district attorney's office establishing a repeat sexual
26 offender prosecution unit and receiving state support under this
27 chapter shall submit the following information, on a quarterly
28 basis, to the ~~Office of Criminal Justice Planning~~ *agency or*
29 *agencies designated by the Director of Finance pursuant to*
30 *Section 13820:*

31 (1) The number of sexual assault cases referred to the district
32 attorney's office for possible filing.

33 (2) The number of sexual assault cases filed for felony
34 prosecution.

35 (3) The number of sexual assault cases taken to trial.

36 (4) The percentage of sexual assault cases tried which resulted
37 in conviction.

38 *SEC. 6. Section 999p of the Penal Code is amended to read:*

39 999p. The ~~Office of Criminal Justice Planning~~ *agency or*
40 *agencies designated by the Director of Finance pursuant to*

Section 13820 is encouraged to utilize any federal funds which may become available in order to implement the provisions of this chapter.

SEC. 7. Section 999r of the Penal Code is amended to read:

999r. (a) There is hereby established in the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 a program of financial and technical assistance for district attorneys' offices, designated the Child Abuser Prosecution Program. All funds appropriated to the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 for the purposes of this chapter shall be administered and disbursed by the executive director of such office, and shall to the greatest extent feasible, be coordinated or consolidated with any federal or local funds that may be made available for these purposes.

The ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 shall establish guidelines for the provision of grant awards to proposed and existing programs prior to the allocation of funds under this chapter. These guidelines shall contain the criteria for the selection of agencies to receive funding and the terms and conditions upon which the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 is prepared to offer grants pursuant to statutory authority. The guidelines shall not constitute rules, regulations, orders, or standards of general application. The guidelines shall be submitted to the appropriate policy committees of the Legislature prior to their adoption.

(b) The executive director is authorized to allocate and award funds to counties in which child abuser offender prosecution units are established or are proposed to be established in substantial compliance with the policies and criteria set forth below in Sections 999s, 999t, and 999u.

(c) The allocation and award of funds shall be made upon application executed by the county's district attorney and approved by its board of supervisors. Funds disbursed under this chapter shall not supplant local funds that would, in the absence of the California Child Abuser Prosecution Program, be made available to support the prosecution of child abuser felony cases.

1 Local grant awards made under this program shall not be subject
2 to review as specified in Section 14780 of the Government Code.

3 *SEC. 8. Section 999s of the Penal Code is amended to read:*

4 999s. Child abuser prosecution units receiving funds under
5 this chapter shall concentrate enhanced prosecution efforts and
6 resources upon individuals identified under selection criteria set
7 forth in Section 999t. Enhanced prosecution efforts and resources
8 shall include, but not be limited to:

9 (a) Vertical prosecutorial representation, whereby the
10 prosecutor who, or prosecution unit which, makes the initial filing
11 or appearance in a case performs all subsequent court appearances
12 on that particular case through its conclusion, including the
13 sentencing phase.

14 (b) The assignment of highly qualified investigators and
15 prosecutors to child abuser cases. “Highly qualified” for the
16 purposes of this chapter means: (1) individuals with one year of
17 experience in the investigation and prosecution of felonies or
18 specifically the felonies listed in subdivision (a) of Section 999l or
19 999t; or (2) individuals whom the district attorney has selected to
20 receive training as set forth in Section 13836; or (3) individuals
21 who have attended a program providing equivalent training as
22 approved by the ~~Office of Criminal Justice Planning~~ agency or
23 agencies designated by the Director of Finance pursuant to
24 Section 13820.

25 (c) A significant reduction of caseloads for investigators and
26 prosecutors assigned to child abuser cases.

27 (d) Coordination with local rape victim counseling centers,
28 child abuse services programs, and victim witness assistance
29 programs. That coordination shall include, but not be limited to:
30 referrals of individuals to receive client services; participation in
31 local training programs; membership and participation in local
32 task forces established to improve communication between
33 criminal justice system agencies and community service agencies;
34 and cooperating with individuals serving as liaison representatives
35 of child abuse and child sexual abuse programs, local rape victim
36 counseling centers and victim witness assistance programs.

37 *SEC. 9. Section 999v of the Penal Code is amended to read:*

38 999v. (a) The selection criteria set forth in Section 999t shall
39 be adhered to for each child abuser case unless, in the reasonable
40 exercise of prosecutor’s discretion, extraordinary circumstances

1 require departure from ~~such~~ *those* policies in order to promote the
2 general purposes and intent of this chapter.

3 (b) Each district attorney's office establishing a child abuser
4 prosecution unit and receiving state support under this chapter
5 shall submit the following information, on a quarterly basis, to the
6 ~~Office of Criminal Justice Planning~~ *agency or agencies designated*
7 *by the Director of Finance pursuant to Section 13820:*

8 (1) The number of child abuser cases referred to the district
9 attorney's office for possible filing.

10 (2) The number of child abuser cases filed for felony
11 prosecution.

12 (3) The number of sexual assault cases taken to trial.

13 (4) The number of child abuser cases tried which resulted in
14 conviction.

15 *SEC. 10. Section 999x of the Penal Code is amended to read:*

16 999x. The ~~Office of Criminal Justice Planning~~ *agency or*
17 *agencies designated by the Director of Finance pursuant to*
18 *Section 13820* is encouraged to utilize any federal funds which
19 may become available in order to implement the provisions of this
20 chapter.

21 *SEC. 11. Section 999y of the Penal Code is amended to read:*

22 999y. The ~~Office of Criminal Justice Planning~~ *agency or*
23 *agencies designated by the Director of Finance pursuant to*
24 *Section 13820* shall report annually to the Legislature concerning
25 the program established by this chapter. The ~~Office of Criminal~~
26 ~~Justice Planning~~ *agency or agencies designated by the Director of*
27 *Finance pursuant to Section 13820* shall prepare and submit to the
28 Legislature on or before December 15, 2002, and within six
29 months of the completion of subsequent funding cycles for this
30 program, an evaluation of the Child Abuser Prosecution Program.
31 This evaluation shall identify outcome measures to determine the
32 effectiveness of the programs established under this chapter,
33 which shall include, but not be limited to, both of the following,
34 to the extent that data is available:

35 (a) Child abuse conviction rates of Child Abuser Prosecution
36 Program units compared to those of nonfunded counties.

37 (b) Quantification of the annual per capita costs of the Child
38 Abuser Prosecution Program compared to the costs of prosecuting
39 child abuse crimes in nonfunded counties.

1 *SEC. 12. Section 1174.2 of the Penal Code is amended to*
2 *read:*

3 1174.2. (a) Notwithstanding any other law, the
4 unencumbered balance of Item 5240-311-751 of Section 2 of the
5 Budget Act of 1990 shall revert to the unappropriated surplus of
6 the 1990 Prison Construction Fund. The sum of fifteen million
7 dollars (\$15,000,000) is hereby appropriated to the Department of
8 Corrections from the 1990 Prison Construction Fund for site
9 acquisition, site studies, environmental studies, master planning,
10 architectural programming, schematics, preliminary plans,
11 working drawings, construction, and long lead and equipment
12 items for the purpose of constructing facilities for pregnant and
13 parenting women's alternative sentencing programs. These funds
14 shall not be expended for any operating costs, including those costs
15 reimbursed by the department pursuant to subdivision (c) of
16 Section 1174.3. Funds not expended pursuant to this chapter shall
17 be used for planning, construction, renovation, or remodeling by,
18 or under the supervision of, the Department of Corrections, of
19 community-based facilities for programs designed to reduce drug
20 use and recidivism, including, but not limited to, restitution
21 centers, facilities for the incarceration and rehabilitation of drug
22 offenders, multipurpose correctional centers, and centers for
23 intensive programs for parolees. These funds shall not be
24 expended until legislation authorizing the establishment of these
25 programs is enacted. If the Legislature finds that the Department
26 of Corrections has made a good faith effort to site
27 community-based facilities, but funds designated for these
28 community-based facilities are unexpended as of January 1, 1998,
29 the Legislature may appropriate these funds for other Level I
30 housing.

31 (b) The Department of Corrections shall purchase, design,
32 construct, and renovate facilities in counties or multicounty areas
33 with a population of more than 450,000 people pursuant to this
34 chapter. The department shall target for selection, among other
35 counties, Los Angeles County, San Diego County, and a bay area,
36 central valley, and an inland empire county as determined by the
37 Director of Corrections. The department, in consultation with the
38 State Department of Alcohol and Drug Programs, shall design core
39 alcohol and drug treatment programs, with specific requirements
40 and standards. Residential facilities shall be licensed by the State

Department of Alcohol and Drug Programs in accordance with provisions of the Health and Safety Code governing licensure of alcoholism or drug abuse recovery or treatment facilities. Residential and nonresidential programs shall be certified by the State Department of Alcohol and Drug Programs as meeting its standards for perinatal services. Funds shall be awarded to selected agency service providers based upon all of the following criteria and procedures:

(1) A demonstrated ability to provide comprehensive services to pregnant women or women with children who are substance abusers consistent with this chapter. Criteria shall include, but not be limited to, each of the following:

(A) The success records of the types of programs proposed based upon standards for successful programs.

(B) Expertise and actual experience of persons who will be in charge of the proposed program.

(C) Cost-effectiveness, including the costs per client served.

(D) A demonstrated ability to implement a program as expeditiously as possible.

(E) An ability to accept referrals and participate in a process with the probation department determining eligible candidates for the program.

(F) A demonstrated ability to seek and obtain supplemental funding as required in support of the overall administration of this facility from any county, state, or federal source that may serve to support this program, including the State Department of Alcohol and Drug Programs, the ~~Office of Criminal Justice Planning~~ *agency or agencies designated by the Director of Finance pursuant to Section 13820*, the State Department of Social Services, the State Department of Mental Health, or any county public health department. In addition, the agency shall also attempt to secure other available funding from all county, state, or federal sources for program implementation.

(G) An ability to provide intensive supervision of the program participants to ensure complete daily programming.

(2) Staff from the department shall be available to selected agencies for consultation and technical services in preparation and implementation of the selected proposals.

(3) The department shall consult with existing program operators that are then currently delivering similar program

1 services, the State Department of Alcohol and Drug Programs, and
2 others it may identify in the development of the program.

3 (4) Funds shall be made available by the department to the
4 agencies selected to administer the operation of this program.

5 (5) Agencies shall demonstrate an ability to provide offenders
6 a continuing supportive network of outpatient drug treatment and
7 other services upon the women's completion of the program and
8 reintegration into the community.

9 (6) The department may propose any variation of types and
10 sizes of facilities to carry out the purposes of this chapter.

11 (7) The department shall secure all other available funding for
12 its eligible population from all county, state, or federal sources.

13 (8) Each program proposal shall include a plan for the required
14 12-month residential program, plus a 12-month outpatient
15 transitional services program to be completed by participating
16 women and children.

17 *SEC. 13. Section 1191.21 of the Penal Code is amended to*
18 *read:*

19 1191.21. (a) (1) The ~~Office of Criminal Justice Planning~~
20 *agency or agencies designated by the Director of Finance*
21 *pursuant to Section 13820* shall develop and make available a
22 "notification of eligibility" card for victims and derivative
23 victims of crimes as defined in subdivision (c) of Section 13960
24 of the Government Code that includes, but is not limited to, the
25 following information:

26
27 "If you have been the victim of a crime that meets the required
28 definition, you or others may be eligible to receive payment from
29 the California State Restitution Fund for losses directly resulting
30 from the crime. To learn about eligibility and receive an
31 application to receive payments, call the Victims of Crime
32 Program at (800) 777-9229 or call your local county Victim
33 Witness Assistance Center."

34
35 (2) At a minimum, the ~~Office of Criminal Justice Planning~~
36 *agency or agencies designated by the Director of Finance*
37 *pursuant to Section 13820* shall develop a template available for
38 downloading on its Internet ~~website~~ *Web site* the information
39 requested in subdivision (b).

1 (b) In a case involving a crime as defined in subdivision (c) of
2 Section 13960 of the Government Code, the law enforcement
3 officer with primary responsibility for investigating the crime
4 committed against the victim and the district attorney may provide
5 the “notification of eligibility” card to the victim and derivative
6 victim of a crime.

7 (c) The terms “victim” and “derivative victim” shall be given
8 the same meaning given those terms in Section 13960 of the
9 Government Code.

10 *SEC. 14. Section 6241 of the Penal Code is amended to read:*

11 6241. (a) The Substance Abuse Community Correctional
12 Detention Centers Fund is hereby created within the State
13 Treasury. The Board of Corrections is authorized to provide funds,
14 as appropriated by the Legislature, for the purpose of establishing
15 substance abuse community correctional detention centers. These
16 facilities shall be operated locally in order to manage parole
17 violators, those select individuals sentenced to state prison for
18 short periods of time, and other sentenced local offenders with a
19 known history of substance abuse, and as further defined by this
20 chapter.

21 (b) The facilities constructed with funds disbursed pursuant to
22 this chapter in a county shall contain no less than 50 percent of total
23 beds for use by the Department of Corrections.

24 (1) Upon agreement, the county and the department may
25 negotiate any other mix of state and local bed space, providing the
26 state’s proportionate share shall not be less than 50 percent in the
27 portion of the facilities financed through state funding.

28 (2) Nothing in this chapter shall prohibit the county from using
29 county funds or nonrestricted jail bond funds to build and operate
30 additional facilities in conjunction with the centers provided for in
31 this chapter.

32 (c) Thirty million dollars (\$30,000,000) in funds shall be
33 provided from the 1990 Prison Construction Fund and the 1990–B
34 Prison Construction Fund, with fifteen million dollars
35 (\$15,000,000) each from the June 1990 bond issue and the
36 November 1990 bond issue, for construction purposes set forth in
37 this chapter, provided that funding is appropriated in the state
38 budget from the June and November 1990, prison bond issues for
39 purposes of this chapter.

1 (d) Funds shall be awarded to counties based upon the
2 following policies and criteria:

3 (1) Priority shall be given to urban counties with populations
4 of 450,000 or more, as determined by Department of Finance
5 figures. The board may allocate up to 10 percent of the funding to
6 smaller counties or combinations of counties as pilot projects, if
7 it concludes that proposals meet the requirements of this chapter,
8 commensurate with the facilities and programming that a smaller
9 county can provide.

10 (2) Upon application and submission of proposals by eligible
11 counties, representatives of the board shall evaluate proposals and
12 select recipients.

13 To help ensure that state-of-the-art drug rehabilitation and
14 related programs are designed, implemented, and updated under
15 this chapter, the board shall consult with not less than three
16 authorities recognized nationwide with experience or expertise in
17 the design or operation of successful programs in order to assist the
18 board in all of the following:

19 (A) Drawing up criteria on which requests for proposals will be
20 sought.

21 (B) Selecting proposals to be funded.

22 (C) Assisting the board in evaluation and operational problems
23 of the programs, if those services are approved by the board.

24 Funding also shall be sought by the board from the federal
25 government and private foundation sources in order to defray the
26 costs of the board's responsibilities under this chapter.

27 (3) Preference shall be given to counties that can demonstrate
28 a financial ability and commitment to operate the programs it is
29 proposing for a period of at least three years and to make
30 improvements as proposed by the department and the board.

31 (4) Applicants receiving awards under this chapter shall be
32 selected from among those deemed appropriate for funding
33 according to the criteria, policies, and procedures established by
34 the board. Criteria shall include success records of the types of
35 programs proposed based on nationwide standards for successful
36 programs, if available, expertise and hands-on experience of
37 persons who will be in charge of proposed programs, cost
38 effectiveness, including cost per bed, speed of construction, a
39 demonstrated ability to construct the maximum number of beds
40 which shall result in an overall net increase in the number of beds

1 in the county for state and local offenders, comprehensiveness of
2 services, location, participation by private or community-based
3 organizations, and demonstrated ability to seek and obtain
4 supplemental funding as required in support of the overall
5 administration of this facility from sources such as the Department
6 of Alcohol and Drug Programs, the ~~Office of Criminal Justice~~
7 ~~Planning~~ *agency or agencies designated by the Director of*
8 *Finance pursuant to Section 13820*, the National Institute of
9 Corrections, the Department of Justice, and other state and federal
10 sources.

11 (5) Funds disbursed under subdivision (c) shall be used for
12 construction of substance abuse community correctional centers,
13 with a level of security in each facility commensurate with public
14 safety for the types of offenders being housed in or utilizing the
15 facilities.

16 (6) Funds disbursed under this chapter shall not be used for the
17 purchase of the site. Sites shall be provided by the county.
18 However, a participating county may negotiate with the state for
19 use of state land at nearby corrections facilities or other state
20 facilities, provided that the locations fit in with the aims of the
21 programs established by this chapter.

22 The county shall be responsible for ensuring the siting,
23 acquisition, design, and construction of the center consistent with
24 the California Environmental Quality Act pursuant to Division 13
25 (commencing with Section 21000) of the Public Resources Code.

26 (7) Staff of the department and the board, as well as persons
27 selected by the board, shall be available to counties for
28 consultation and technical services in preparation and
29 implementation of proposals accepted by the board.

30 (8) The board also shall seek advice from the Department of
31 Alcohol and Drug Programs in exercising its responsibilities under
32 this chapter.

33 (9) Funds shall be made available to the county and county
34 agency which is selected to administer the program by the board
35 of supervisors of that county.

36 (10) Area of greatest need can be a factor considered in
37 awarding contracts to counties.

38 (11) Particular consideration shall be given to counties that can
39 demonstrate an ability to provide continuing counseling and
40 programming for offenders in programs established under this

chapter, once the offenders have completed the programs and have returned to the community.

(12) A county may propose a variety of types and sizes of facilities to meet the needs of its plan and to provide the services for varying types of offenders to be served under this chapter. Funds granted to a county may be utilized for construction of more than one facility.

Any county wishing to use existing county-owned sites or facilities may negotiate those arrangements with the Department of Corrections and the Board of Corrections to meet the needs of its plan.

SEC. 15. Section 11160 of the Penal Code is amended to read:

11160. (a) Any health practitioner employed in a health facility, clinic, physician's office, local or state public health department, or a clinic or other type of facility operated by a local or state public health department who, in his or her professional capacity or within the scope of his or her employment, provides medical services for a physical condition to a patient whom he or she knows or reasonably suspects is a person described as follows, shall immediately make a report in accordance with subdivision (b):

(1) Any person suffering from any wound or other physical injury inflicted by his or her own act or inflicted by another where the injury is by means of a firearm.

(2) Any person suffering from any wound or other physical injury inflicted upon the person where the injury is the result of assaultive or abusive conduct.

(b) Any health practitioner employed in a health facility, clinic, physician's office, local or state public health department, or a clinic or other type of facility operated by a local or state public health department shall make a report regarding persons described in subdivision (a) to a local law enforcement agency as follows:

(1) A report by telephone shall be made immediately or as soon as practically possible.

(2) A written report shall be prepared on the standard form developed in compliance with paragraph (4) of this subdivision, and Section 11160.2, and adopted by the ~~Office of Criminal Justice Planning as of December 31, 2003~~ agency or agencies designated by the Director of Finance pursuant to Section 13820, or on a form developed and adopted by another state agency that otherwise

fulfills the requirements of the standard form. The completed form shall be sent to a local law enforcement agency within two working days of receiving the information regarding the person.

(3) A local law enforcement agency shall be notified and a written report shall be prepared and sent pursuant to paragraphs (1) and (2) even if the person who suffered the wound, other injury, or assaultive or abusive conduct has expired, regardless of whether or not the wound, other injury, or assaultive or abusive conduct was a factor contributing to the death, and even if the evidence of the conduct of the perpetrator of the wound, other injury, or assaultive or abusive conduct was discovered during an autopsy.

(4) The report shall include, but shall not be limited to, the following:

(A) The name of the injured person, if known.

(B) The injured person's whereabouts.

(C) The character and extent of the person's injuries.

(D) The identity of any person the injured person alleges inflicted the wound, other injury, or assaultive or abusive conduct upon the injured person.

(c) For the purposes of this section, "injury" shall not include any psychological or physical condition brought about solely through the voluntary administration of a narcotic or restricted dangerous drug.

(d) For the purposes of this section, "assaultive or abusive conduct" shall include any of the following offenses:

(1) Murder, in violation of Section 187.

(2) Manslaughter, in violation of Section 192 or 192.5.

(3) Mayhem, in violation of Section 203.

(4) Aggravated mayhem, in violation of Section 205.

(5) Torture, in violation of Section 206.

(6) Assault with intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220.

(7) Administering controlled substances or anesthetic to aid in commission of a felony, in violation of Section 222.

(8) Battery, in violation of Section 242.

(9) Sexual battery, in violation of Section 243.4.

(10) Incest, in violation of Section 285.

(11) Throwing any vitriol, corrosive acid, or caustic chemical with intent to injure or disfigure, in violation of Section 244.

- 1 (12) Assault with a stun gun or taser, in violation of Section
2 244.5.
- 3 (13) Assault with a deadly weapon, firearm, assault weapon, or
4 machinegun, or by means likely to produce great bodily injury, in
5 violation of Section 245.
- 6 (14) Rape, in violation of Section 261.
- 7 (15) Spousal rape, in violation of Section 262.
- 8 (16) Procuring any female to have sex with another man, in
9 violation of Section 266, 266a, 266b, or 266c.
- 10 (17) Child abuse or endangerment, in violation of Section 273a
11 or 273d.
- 12 (18) Abuse of spouse or cohabitant, in violation of Section
13 273.5.
- 14 (19) Sodomy, in violation of Section 286.
- 15 (20) Lewd and lascivious acts with a child, in violation of
16 Section 288.
- 17 (21) Oral copulation, in violation of Section 288a.
- 18 (22) Sexual penetration, in violation of Section 289.
- 19 (23) Elder abuse, in violation of Section 368.
- 20 (24) An attempt to commit any crime specified in paragraphs
21 (1) to (23), inclusive.
- 22 (e) When two or more persons who are required to report are
23 present and jointly have knowledge of a known or suspected
24 instance of violence that is required to be reported pursuant to this
25 section, and when there is an agreement among these persons to
26 report as a team, the team may select by mutual agreement a
27 member of the team to make a report by telephone and a single
28 written report, as required by subdivision (b). The written report
29 shall be signed by the selected member of the reporting team. Any
30 member who has knowledge that the member designated to report
31 has failed to do so shall thereafter make the report.
- 32 (f) The reporting duties under this section are individual,
33 except as provided in subdivision (e).
- 34 (g) No supervisor or administrator shall impede or inhibit the
35 reporting duties required under this section and no person making
36 a report pursuant to this section shall be subject to any sanction for
37 making the report. However, internal procedures to facilitate
38 reporting and apprise supervisors and administrators of reports
39 may be established, except that these procedures shall not be
40 inconsistent with this article. The internal procedures shall not

1 require any employee required to make a report under this article
2 to disclose his or her identity to the employer.

3 (h) For the purposes of this section, it is the Legislature's intent
4 to avoid duplication of information.

5 *SEC. 16. Section 11161.2 of the Penal Code is amended to*
6 *read:*

7 11161.2. (a) The Legislature finds and declares that adequate
8 protection of victims of domestic violence and elder and
9 dependent adult abuse has been hampered by lack of consistent and
10 comprehensive medical examinations. Enhancing examination
11 procedures, documentation, and evidence collection will improve
12 investigation and prosecution efforts.

13 (b) ~~On or before January 1, 2003, the Office of Criminal Justice~~
14 ~~Planning~~ *The agency or agencies designated by the Director of*
15 *Finance pursuant to Section 13820 shall, in cooperation with the*
16 *State Department of Health Services, the Department of Aging and*
17 *the ombudsman program, the State Department of Social Services,*
18 *law enforcement agencies, the Department of Justice, the*
19 *California Association of Crime Lab Directors, the California*
20 *District Attorneys Association, the California State Sheriff's*
21 *Association, the California Medical Association, the California*
22 *Police Chiefs' Association, domestic violence advocates, the*
23 *California Medical Training Center, adult protective services, and*
24 *other appropriate experts:*

25 (1) Establish medical forensic forms, instructions, and
26 examination protocol for victims of domestic violence and elder
27 and dependent adult abuse and neglect using as a model the form
28 and guidelines developed pursuant to Section 13823.5. The form
29 should include, but not be limited to, a place for a notation
30 concerning each of the following:

31 (A) Notification of injuries and a report of suspected domestic
32 violence or elder or dependent adult abuse and neglect to law
33 enforcement authorities, Adult Protective Services, or the State
34 Long-Term Care Ombudsmen, in accordance with existing
35 reporting procedures.

36 (B) Obtaining consent for the examination, treatment of
37 injuries, collection of evidence, and photographing of injuries.
38 Consent to treatment shall be obtained in accordance with the usual
39 hospital policy. A victim shall be informed that he or she may
40 refuse to consent to an examination for evidence of domestic

1 violence and elder and dependent adult abuse and neglect,
2 including the collection of physical evidence, but that refusal is not
3 a ground for denial of treatment of injuries and disease, if the
4 person wishes to obtain treatment and consents thereto.

5 (C) Taking a patient history of domestic violence or elder or
6 dependent adult abuse and neglect and other relevant medical
7 history.

8 (D) Performance of the physical examination for evidence of
9 domestic violence or elder or dependent adult abuse and neglect.

10 (E) Collection of physical evidence of domestic violence or
11 elder or dependent adult abuse.

12 (F) Collection of other medical and forensic specimens, as
13 indicated.

14 (G) Procedures for the preservation and disposition of
15 evidence.

16 (H) Complete documentation of medical forensic exam
17 findings.

18 (2) Determine whether it is appropriate and forensically sound
19 to develop separate or joint forms for documentation of medical
20 forensic findings for victims of domestic violence and elder and
21 dependent adult abuse and neglect.

22 (3) The forms shall become part of the patient's medical record
23 pursuant to guidelines established by the ~~Office of Criminal~~
24 ~~Justice Planning~~ *agency or agencies designated by the Director of*
25 *Finance pursuant to Section 13820* advisory committee and
26 subject to the confidentiality laws pertaining to release of medical
27 forensic examination records.

28 (c) The forms shall be made accessible for use on the Internet.

29 *SEC. 17. Section 11166.9 of the Penal Code is amended to*
30 *read:*

31 11166.9. (a) (1) The purpose of this section shall be to
32 coordinate and integrate state and local efforts to address fatal
33 child abuse or neglect, and to create a body of information to
34 prevent child deaths.

35 (2) It is the intent of the Legislature that the California State
36 Child Death Review Council, the Department of Justice, the State
37 Department of Social Services, the State Department of Health
38 Services, and state and local child death review teams shall share
39 data and other information necessary from the Department of
40 Justice Child Abuse Central Index and Supplemental Homicide

1 File, the State Department of Health Services Vital Statistics and
2 the Department of Social Services Child Welfare Services/Case
3 Management System files to establish accurate information on the
4 nature and extent of child abuse or neglect related fatalities in
5 California as those documents relate to child fatality cases.
6 Further, it is the intent of the Legislature to ensure that records of
7 child abuse or neglect related fatalities are entered into the State
8 Department of Social Services, Child Welfare Services/Case
9 Management System. It is also the intent that training and technical
10 assistance be provided to child death review teams and
11 professionals in the child protection system regarding multiagency
12 case review.

13 (b) (1) It shall be the duty of the California State Child Death
14 Review Council to oversee the statewide coordination and
15 integration of state and local efforts to address fatal child abuse or
16 neglect and to create a body of information to prevent child deaths.
17 The Department of Justice, the State Department of Social
18 Services, the State Department of Health Services, the California
19 Coroner's Association, the County Welfare Directors Association,
20 Prevent Child Abuse California, the California Homicide
21 Investigators Association, the ~~Office of Criminal Justice Planning~~
22 *agency or agencies designated by the Director of Finance*
23 *pursuant to Section 13820*, the Inter-Agency Council on Child
24 Abuse and Neglect/National Center on Child Fatality Review, the
25 California Conference of Local Health Officers, the California
26 Conference of Local Directors of Maternal, Child, and Adolescent
27 Health, the California Conference of Local Health Department
28 Nursing Directors, the California District Attorneys Association,
29 and at least three regional representatives, chosen by the other
30 members of the council, working collaboratively for the purposes
31 of this section, shall be known as the California State Child Death
32 Review Council. The council shall select a chairperson or
33 cochairpersons from the members.

34 (2) The Department of Justice is hereby authorized to carry out
35 the purposes of this section by coordinating council activities and
36 working collaboratively with the agencies and organizations in
37 paragraph (1), and may consult with other representatives of other
38 agencies and private organizations, to help accomplish the purpose
39 of this section.

(c) Meetings of the agencies and organizations involved shall be convened by a representative of the Department of Justice. All meetings convened between the Department of Justice and any organizations required to carry out the purpose of this section shall take place in this state. There shall be a minimum of four meetings per calendar year.

(d) To accomplish the purpose of this section, the Department of Justice and agencies and organizations involved shall engage in the following activities:

(1) Analyze and interpret state and local data on child death in an annual report to be submitted to local child death review teams with copies to the Governor and the Legislature, no later than July 1 each year. Copies of the report shall also be distributed to public officials in the state who deal with child abuse issues and to those agencies responsible for child death investigation in each county. The report shall contain, but not be limited to, information provided by state agencies and the county child death review teams for the preceding year.

The state data shall include the Department of Justice Child Abuse Central Index and Supplemental Homicide File, the State Department of Health Services Vital Statistics, and the State Department of Social Services Child Welfare Services/Case Management System.

(2) In conjunction with the ~~Office of Criminal Justice Planning~~ *agency or agencies designated by the Director of Finance pursuant to Section 13820*, coordinate statewide and local training for county death review teams and the members of the teams, including, but not limited to, training in the application of the interagency child death investigation protocols and procedures established under Sections 11166.7 and 11166.8 to identify child deaths associated with abuse or neglect.

(e) The State Department of Health Services, in collaboration with the California State Child Death Review Council, shall design, test and implement a statewide child abuse or neglect fatality tracking system incorporating information collected by local child death review teams. The department shall:

(1) Establish a minimum case selection criteria and review protocols of local child death review teams.

1 (2) Develop a standard child death review form with a
2 minimum core set of data elements to be used by local child death
3 review teams, and collect and analyze that data.

4 (3) Establish procedural safeguards in order to maintain
5 appropriate confidentiality and integrity of the data.

6 (4) Conduct annual reviews to reconcile data reported to the
7 State Department of Health Services Vital Statistics, Department
8 of Justice Homicide Files and Child Abuse Central Index, and the
9 State Department of Social Services Child Welfare Services/Case
10 Management System data systems, with data provided from local
11 child death review teams.

12 (5) Provide technical assistance to local child death review
13 teams in implementing and maintaining the tracking system.

14 (6) This subdivision shall become operative on July 1, 2000,
15 and shall be implemented only to the extent that funds are
16 appropriated for its purposes in the Budget Act.

17 (f) Local child death review teams shall participate in a
18 statewide child abuse or neglect fatalities monitoring system by:

19 (1) Meeting the minimum standard protocols set forth by the
20 State Department of Health Services in collaboration with the
21 California State Child Death Review Council.

22 (2) Using the standard data form to submit information on child
23 abuse or neglect fatalities in a timely manner established by the
24 State Department of Health Services.

25 (g) The California State Child Death Review Council shall
26 monitor the implementation of the monitoring system and
27 incorporate the results and findings of the system and review into
28 an annual report.

29 (h) The Department of Justice shall direct the creation,
30 maintenance, updating, and distribution electronically and by
31 paper, of a statewide child death review team directory, which shall
32 contain the names of the members of the agencies and private
33 organizations participating under this section, and the members of
34 local child death review teams and local liaisons to those teams.
35 The department shall work in collaboration with members of the
36 California State Child Death Review Council to develop a
37 directory of professional experts, resources, and information from
38 relevant agencies and organizations and local child death review
39 teams, and to facilitate regional working relationships among

1 teams. The Department of Justice shall maintain and update these
2 directories annually.

3 (i) The agencies or private organizations participating under
4 this section shall participate without reimbursement from the state.
5 Costs incurred by participants for travel or per diem shall be borne
6 by the participant agency or organization. The participants shall be
7 responsible for collecting and compiling information to be
8 included in the annual report. The Department of Justice shall be
9 responsible for printing and distributing the annual report using
10 available funds and existing resources.

11 (j) ~~The Office of Criminal Justice Planning~~ *agency or agencies*
12 *designated by the Director of Finance pursuant to Section 13820,*
13 in coordination with the State Department of Social Services, the
14 Department of Justice, and the California State Child Death
15 Review Council shall contract with state or nationally recognized
16 organizations in the area of child death review to conduct statewide
17 training and technical assistance for local child death review teams
18 and relevant organizations, develop standardized definitions for
19 fatal child abuse or neglect, develop protocols for the investigation
20 of fatal child abuse or neglect, and address relevant issues such as
21 grief and mourning, data collection, training for medical personnel
22 in the identification of child abuse or neglect fatalities, domestic
23 violence fatality review, and other related topics and programs.
24 The provisions of this subdivision shall only be implemented to the
25 extent that the ~~Office of Criminal Justice Planning~~ *agency or*
26 *agencies designated by the Director of Finance pursuant to*
27 *Section 13820* can absorb the costs of implementation within its
28 current funding, or to the extent that funds are appropriated for its
29 purposes in the Budget Act.

30 (k) Law enforcement and child welfare agencies shall
31 cross-report all cases of child death suspected to be related to child
32 abuse or neglect whether or not the deceased child has any known
33 surviving siblings.

34 (l) County child welfare agencies shall create a record in the
35 Child Welfare Services/Case Management System (CWS/CMS)
36 on all cases of child death suspected to be related to child abuse or
37 neglect, whether or not the deceased child has any known
38 surviving siblings. Upon notification that the death was
39 determined not to be related to child abuse or neglect, the child

welfare agency shall enter that information into the Child Welfare Services/Case Management System.

SEC. 18. Section 11171 of the Penal Code is amended to read:

11171. (a) (1) The Legislature hereby finds and declares that adequate protection of victims of child physical abuse or neglect has been hampered by the lack of consistent and comprehensive medical examinations.

(2) Enhancing examination procedures, documentation, and evidence collection relating to child abuse or neglect will improve the investigation and prosecution of child abuse or neglect as well as other child protection efforts.

(b) ~~On or before January 1, 2004, the Office of Criminal Justice Planning~~ *The agency or agencies designated by the Director of Finance pursuant to Section 13820 shall, in cooperation with the State Department of Social Services, the Department of Justice, the California Association of Crime Lab Directors, the California State District Attorneys Association, the California State Sheriffs Association, the California Peace Officers Association, the California Medical Association, the California Police Chiefs' Association, child advocates, the California Medical Training Center, child protective services, and other appropriate experts, establish medical forensic forms, instructions, and examination protocol for victims of child physical abuse or neglect using as a model the form and guidelines developed pursuant to Section 19823.5.*

(c) The form shall include, but not be limited to, a place for notation concerning each of the following:

(1) Any notification of injuries or any report of suspected child physical abuse or neglect to law enforcement authorities or children's protective services, in accordance with existing reporting procedures.

(2) Addressing relevant consent issues, if indicated.

(3) The taking of a patient history of child physical abuse or neglect that includes other relevant medical history.

(4) The performance of a physical examination for evidence of child physical abuse or neglect.

(5) The collection or documentation of any physical evidence of child physical abuse or neglect, including any recommended photographic procedures.

(6) The collection of other medical or forensic specimens, including drug ingestion or toxication, as indicated.

(7) Procedures for the preservation and disposition of evidence.

(8) Complete documentation of medical forensic exam findings with recommendations for diagnostic studies, including blood tests and X-rays.

(9) An assessment as to whether there are findings that indicate physical abuse or neglect.

(c) The forms shall become part of the patient's medical record pursuant to guidelines established by the advisory committee of the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 and subject to the confidentiality laws pertaining to the release of a medical forensic examination records.

(D) The forms shall be made accessible for use on the Internet.

SEC. 19. Section 11501 of the Penal Code is amended to read:

11501. (a) There is hereby established in the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820, a program of financial assistance to provide for statewide programs of education, training, and research for local public prosecutors and public defenders. All funds made available to the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 for the purposes of this chapter shall be administered and distributed by the executive director of the office.

(b) The Executive Director of the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 is authorized to allocate and award funds to public agencies or private nonprofit organizations for purposes of establishing statewide programs of education, training, and research for public prosecutors and public defenders, which programs meet criteria established pursuant to Section 11502.

(c) Annually, the executive director shall submit a report to the Legislature describing the operation and accomplishments of the statewide programs authorized by this title.

SEC. 20. Section 11502 of the Penal Code is amended to read:

1 11502. (a) Criteria for selection of education, training, and
2 research programs for local public prosecutors and public
3 defenders shall be developed by the ~~Office of Criminal Justice~~
4 ~~Planning~~ *agency or agencies designated by the Director of*
5 *Finance pursuant to Section 13820* in consultation with an
6 advisory group entitled the Prosecutors and Public Defenders
7 Education and Training Advisory Committee.

8 (b) The Prosecutors and Public Defenders Education and
9 Training Advisory Committee shall be composed of six local
10 public prosecutors and six local public defender representatives,
11 all of whom are appointed by the Executive Director of the ~~Office~~
12 ~~of Criminal Justice Planning~~ *agency or agencies designated by the*
13 *Director of Finance pursuant to Section 13820*, who shall provide
14 staff services to the advisory committee. In appointing the
15 members of the committee, the executive director shall invite the
16 Attorney General, the State Public Defender, the Speaker of the
17 Assembly, and the Senate President pro Tempore to participate as
18 ex officio members of the committee.

19 (c) The ~~Office of Criminal Justice Planning~~ *agency or agencies*
20 *designated by the Director of Finance pursuant to Section 13820*,
21 in consultation with the advisory committee, shall develop specific
22 guidelines including criteria for selection of organizations to
23 provide education, training, and research services.

24 (d) In determining the equitable allocation of funds between
25 prosecution and defense functions, the ~~Office of Criminal Justice~~
26 ~~Planning~~ *agency or agencies designated by the Director of*
27 *Finance pursuant to Section 13820* and the advisory committee
28 shall give consideration to the amount of local government
29 expenditures on a statewide basis for the support of those
30 functions.

31 (e) The administration of the overall program shall be
32 performed by the ~~Office of Criminal Justice Planning~~ *agency or*
33 *agencies designated by the Director of Finance pursuant to*
34 *Section 13820*. The office may, out of any appropriation for this
35 program, expend an amount not to exceed 7.5 percent for any fiscal
36 year for ~~such~~ *those* purposes.

37 (f) No funds appropriated pursuant to this title shall be used to
38 support a legislative advocate.

39 (g) To the extent necessary to meet the requirements of the
40 State Bar of California relating to certification of training for legal

1 specialists, the executive director shall insure that, where
2 appropriate, all programs funded under this title are open to all
3 members of the State Bar of California. The program guidelines
4 established pursuant to subdivision (c) shall provide for the
5 reimbursement of costs for all participants deemed eligible by the
6 ~~Office of Criminal Justice Planning~~ agency or agencies designated
7 by the Director of Finance pursuant to Section 13820, in
8 conjunction with the Legal Training Advisory Committee, by
9 means of course attendance.

10 *SEC. 21. Section 11504 of the Penal Code is amended to read:*
11 11504. To the extent funds are appropriated from the
12 Assessment Fund to the Local Public Prosecutors and Public
13 Defenders Training Fund established pursuant to Section 11503,
14 the ~~Office of Criminal Justice Planning~~ agency or agencies
15 designated by the Director of Finance pursuant to Section 13820
16 shall allocate financial resources for statewide programs of
17 education, training, and research for local public prosecutors and
18 public defenders.

19 *SEC. 22. Section 13100.1 of the Penal Code is amended to*
20 *read:*

21 13100.1. (a) The Attorney General shall appoint an advisory
22 committee to the California-Criminal Index and Identification
23 (Cal-CII) system to assist in the ongoing management of the
24 system with respect to operating policies, criminal records
25 content, and records retention. The committee shall serve at the
26 pleasure of the Attorney General, without compensation, except
27 for reimbursement of necessary expenses.

28 (b) The committee shall consist of the following
29 representatives:

30 (1) One representative from the California Police Chiefs'
31 Association.

32 (2) One representative from the California Peace Officers'
33 Association.

34 (3) Three representatives from the California State Sheriffs'
35 Association.

36 (4) One trial judge appointed by the Judicial Council.

37 (5) One representative from the California District Attorneys'
38 Association.

39 (6) One representative from the California Court Clerks'
40 Association.

(7) One representative from the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820.

(8) One representative from the Chief Probation Officers' Association.

(9) One representative from the Department of Corrections.

(10) One representative from the Department of the California Highway Patrol.

(11) One member of the public, appointed by the Senate Committee on Rules, who is knowledgeable and experienced in the process of utilizing background clearances.

(12) One member of the public, appointed by the Speaker of the Assembly, who is knowledgeable and experienced in the process of utilizing background clearances.

SEC. 23. Section 13800 of the Penal Code is amended to read: 13800. As used in this title:

(a) "Council" means the California Council on Criminal Justice.

(b) "Office" means the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820.

(c) "Local boards" means local criminal justice planning boards.

(d) "Federal acts" means the Federal Omnibus Crime Control and Safe Streets Act of 1968, the Federal Juvenile Delinquency Prevention and Control Act of 1968, and any act or acts amendatory or supplemental thereto.

SEC. 24. Section 13812 of the Penal Code is amended to read:

13812. Members of the council shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties under this title. No compensation or expenses shall be received by the members of any continuing task forces, review committees or other auxiliary bodies created by the council who are not council members, except that persons requested to appear before the council with regard to specific topics on one or more occasions shall be reimbursed for the travel expenses necessarily incurred in fulfilling ~~such~~ those requests.

The Advisory Committee on Juvenile Justice and Delinquency Prevention appointed by the Governor pursuant to federal law may

1 be reimbursed by the ~~Office of Criminal Justice Planning~~ agency
2 or agencies designated by the Director of Finance pursuant to
3 Section 13820 for expenses necessarily incurred by the members.
4 Staff support for the committee will be provided by the ~~Office of~~
5 ~~Criminal Justice Planning~~ agency or agencies designated by the
6 Director of Finance pursuant to Section 13820.

7 SEC. 25. Section 13820 of the Penal Code is repealed.

8 ~~13820. There is hereby created in the state government the~~
9 ~~Office of Criminal Justice Planning. The office shall be~~
10 ~~administered by an executive director, who shall be appointed by,~~
11 ~~and be responsible to, the Governor, and hold office at the pleasure~~
12 ~~of the Governor. The executive director shall be in sole charge of~~
13 ~~the administration of the office.~~

14 SEC. 26. Section 13820 is added to the Penal Code, to read:

15 13820. (a) The Office of Criminal Justice Planning is hereby
16 abolished. The Director of Finance shall designate an agency or
17 agencies to carry out the functions of the Office of Criminal Justice
18 Planning in accordance with a plan submitted pursuant to Section
19 25 of the Budget Act of 2003. The duties and obligations of that
20 office, and all powers and authority exercised by that office, shall
21 be transferred to and assumed by the agency or agencies so
22 designated.

23 (b) Except for this section, the phrase "Office of Criminal
24 Justice Planning" or any reference to that phrase in this code shall
25 be construed to mean or refer to the agency or agencies designated
26 under subdivision (a). Any reference to the executive director of the
27 Office of Criminal Justice Planning in this code shall be construed
28 to mean the appropriate person in the agency or agencies
29 designated under subdivision (a).

30 SEC. 27. Section 13821 of the Penal Code is repealed.

31 ~~13821. The executive director may appoint such deputies,~~
32 ~~assistants and other officers and employees and consultants as he~~
33 ~~may deem necessary and prescribe their powers and duties. The~~
34 ~~executive director shall establish policies and procedures for~~
35 ~~governing the internal operation of the office and coordination~~
36 ~~with local planning agencies, grant recipients and state and local~~
37 ~~officials.~~

38 SEC. 28. Section 13822 of the Penal Code is repealed.

39 ~~13822. The executive director may request and receive from~~
40 ~~any department or agency of the state or any political subdivision~~

1 ~~thereof such assistance, information and data as will enable him to~~
2 ~~carry out his functions and duties.~~

3 *SEC. 29. Section 13823 of the Penal Code is amended to read:*

4 13823. (a) In cooperation with local boards, the ~~office~~
5 *agency or agencies designated by the Director of Finance*
6 *pursuant to Section 13820 shall:*

7 (1) Develop with the advice and approval of the council, the
8 comprehensive statewide plan for the improvement of criminal
9 justice and delinquency prevention activity throughout the state.

10 (2) Define, develop and correlate programs and projects for the
11 state criminal justice agencies.

12 (3) Receive and disburse federal funds, perform all necessary
13 and appropriate staff services required by the council, and
14 otherwise assist the council in the performance of its duties as
15 established by federal acts.

16 (4) Develop comprehensive, unified and orderly procedures to
17 insure that all local plans and all state and local projects are in
18 accord with the comprehensive state plan, and that all applications
19 for grants are processed efficiently.

20 (5) Cooperate with and render technical assistance to the
21 Legislature, state agencies, units of general local government,
22 combinations of ~~such~~ *those* units, or other public or private
23 agencies, organizations or institutions in matters relating to
24 criminal justice and delinquency prevention.

25 (6) Conduct evaluation studies of the programs and activities
26 assisted by the federal acts.

27 (b) The ~~office~~ *agency or agencies designated by the Director*
28 *of Finance pursuant to Section 13820 may:*

29 (1) Collect, evaluate, publish, and disseminate statistics and
30 other information on the condition and progress of criminal justice
31 in the state.

32 (2) Perform other functions and duties as required by federal
33 acts, rules, regulations or guidelines in acting as the administrative
34 office of the state planning agency for distribution of federal
35 grants.

36 *SEC. 30. Section 13823.12 of the Penal Code is amended to*
37 *read:*

38 13823.12. Failure to comply fully with Section 13823.11 or
39 with the protocol or guidelines, or to utilize the form established
40 by the ~~Office of Criminal Justice Planning pursuant to Section~~

1 ~~13823.5~~ agency or agencies designated by the Director of Finance
2 pursuant to Section 13820, shall not constitute grounds to exclude
3 evidence, nor shall the court instruct or comment to the trier of fact
4 in any case that less weight may be given to the evidence based on
5 the failure to comply.

6 SEC. 31. Section 13823.13 of the Penal Code is amended to
7 read:

8 13823.13. (a) The ~~Office of Criminal Justice Planning~~
9 agency or agencies designated by the Director of Finance
10 pursuant to Section 13820 shall develop a course of training for
11 qualified health care professionals relating to the examination and
12 treatment of victims of sexual assault. In developing the
13 curriculum for the course, the ~~Office of Criminal Justice Planning~~
14 agency or agencies designated by the Director of Finance
15 pursuant to Section 13820 shall consult with health care
16 professionals and appropriate law enforcement agencies. The
17 ~~Office of Criminal Justice Planning~~ agency or agencies designated
18 by the Director of Finance pursuant to Section 13820 shall also
19 obtain recommendations from the same health care professionals
20 and appropriate law enforcement agencies on the best means to
21 disseminate the course of training on a statewide basis.

22 (b) The training course developed pursuant to subdivision (a)
23 shall be designed to train qualified health care professionals to do
24 all of the following:

25 (1) Perform a health assessment of victims of sexual assault in
26 accordance with any applicable minimum standards set forth in
27 Section 13823.11.

28 (2) Collect and document physical and laboratory evidence in
29 accordance with any applicable minimum standards set forth in
30 Section 13823.11.

31 (3) Provide information and referrals to victims of sexual
32 assault to enhance the continuity of care of victims.

33 (4) Present testimony in court.

34 (c) As used in this section, "qualified health care professional"
35 means a physician and surgeon currently licensed pursuant to
36 Chapter 5 (commencing with Section 2000) of Division 2 of the
37 Business and Professions Code, or a nurse currently licensed
38 pursuant to Chapter 6 (commencing with Section 2700) of
39 Division 2 of the Business and Professions Code who works in
40 consultation with a physician and surgeon or who conducts

1 examinations described in Section 13823.9 in a general acute care
2 hospital or in the office of a physician and surgeon.

3 (d) As used in this section, “appropriate law enforcement
4 agencies” may include, but shall not be limited to, the Attorney
5 General of the State of California, any district attorney, and any
6 agency of the State of California expressly authorized by statute
7 to investigate or prosecute law violators.

8 *SEC. 32. Section 13823.15 of the Penal Code is amended to*
9 *read:*

10 13823.15. (a) The Legislature finds the problem of domestic
11 violence to be of serious and increasing magnitude. The
12 Legislature also finds that existing domestic violence services are
13 underfunded and that some areas of the state are unserved.

14 (b) There is in the ~~Office of Criminal Justice Planning~~ agency
15 *or agencies designated by the Director of Finance pursuant to*
16 *Section 13820*, a Comprehensive Statewide Domestic Violence
17 Program. The goals of the program shall be to provide local
18 assistance to existing service providers, to maintain and expand
19 services based on a demonstrated need, and to establish a targeted
20 or directed program for the development and establishment of
21 domestic violence services in currently unserved and underserved
22 areas. The program shall provide financial and technical assistance
23 to local domestic violence centers in implementing all of the
24 following services:

- 25 (1) Twenty-four-hour crisis hotlines.
- 26 (2) Counseling.
- 27 (3) Business centers.
- 28 (4) Emergency “safe” homes or shelters for victims and
29 families.
- 30 (5) Emergency food and clothing.
- 31 (6) Emergency response to calls from law enforcement.
- 32 (7) Hospital emergency room protocol and assistance.
- 33 (8) Emergency transportation.
- 34 (9) Supportive peer counseling.
- 35 (10) Counseling for children.
- 36 (11) Court and social service advocacy.
- 37 (12) Legal assistance with temporary restraining orders,
38 devices, and custody disputes.
- 39 (13) Community resource and referral.
- 40 (14) Household establishment assistance.

1 Priority for financial and technical assistance shall be given to
2 emergency shelter programs and “safe” homes for victims of
3 domestic violence and their children.

4 (c) The Executive Director of the ~~Office of Criminal Justice~~
5 ~~Planning~~ *agency or agencies designated by the Director of*
6 *Finance pursuant to Section 13820* shall allocate funds to local
7 centers meeting the criteria for funding that shall be established by
8 the office in consultation with practitioners and experts in the field
9 of domestic violence. All organizations funded pursuant to this
10 section shall utilize volunteers to the greatest extent possible.

11 The centers may seek, receive, and make use of any funds which
12 may be available from all public and private sources to augment
13 any state funds received pursuant to this section.

14 Centers receiving funding shall provide cash or an in-kind
15 match of at least 10 percent of the funds received pursuant to this
16 section.

17 (d) The ~~Office of Criminal Justice Planning~~ *agency or agencies*
18 *designated by the Director of Finance pursuant to Section 13820*
19 shall conduct statewide training workshops on domestic violence
20 for local centers, law enforcement, and other service providers
21 designed to enhance service programs. The workshops shall be
22 planned in conjunction with practitioners and experts in the field
23 of domestic violence prevention.

24 (e) The ~~Office of Criminal Justice Planning~~ *agency or agencies*
25 *designated by the Director of Finance pursuant to Section 13820*
26 shall develop and disseminate throughout the state information
27 and materials concerning domestic violence. The ~~office~~ *agency or*
28 *agencies designated by the Director of Finance pursuant to*
29 *Section 13820* shall also establish a resource center for the
30 collection, retention, and distribution of educational materials
31 related to domestic violence. The ~~office~~ *agency or agencies*
32 *designated by the Director of Finance pursuant to Section 13820*
33 may utilize and contract with existing domestic violence technical
34 assistance centers in this state in complying with the requirements
35 of this subdivision.

36 (f) The ~~Office of Criminal Justice Planning~~ *agency or agencies*
37 *designated by the Director of Finance pursuant to Section 13820*
38 may hire the support staff and utilize all resources necessary to
39 carry out the purposes of this section. The ~~office~~ *agency or*
40 *agencies designated by the Director of Finance pursuant to*

1 *Section 13820* shall not utilize more than 10 percent of any funds
2 appropriated for the purpose of the program established by this
3 section for the administration of that program.

4 *SEC. 33. Section 13823.16 of the Penal Code is amended to*
5 *read:*

6 13823.16. (a) In implementing the Comprehensive
7 Statewide Domestic Violence Program pursuant to Section
8 13823.15, the ~~Office of Criminal Justice Planning~~ agency or
9 agencies designated by the Director of Finance pursuant to
10 *Section 13820* shall consult with an advisory council. The
11 membership of the Office of Criminal Justice Planning Domestic
12 Violence Advisory Council shall consist of experts in the provision
13 of either direct or intervention services to battered women and
14 their children, within the scope and intention of the Office of
15 Criminal Justice Planning Domestic Violence Assistance
16 Program.

17 (b) The membership of the council shall consist of domestic
18 violence victims' advocates, battered women service providers,
19 and representatives of women's organizations, law enforcement,
20 and other groups involved with domestic violence. At least
21 one-half of the council membership shall consist of domestic
22 violence victims' advocates or battered women service providers
23 from organizations such as the California Alliance Against
24 Domestic Violence. It is the intent of the Legislature that the
25 council membership reflect the ethnic, racial, cultural, and
26 geographic diversity of the state. The council shall be composed
27 of no more than 13 voting members and two nonvoting members
28 who shall be appointed, as follows:

29 (1) Seven voting members shall be appointed by the Governor.

30 (2) Three voting members shall be appointed by the Speaker of
31 the Assembly.

32 (3) Three voting members shall be appointed by the Senate
33 Committee on Rules.

34 (4) Two nonvoting members shall be Members of the
35 Legislature, one appointed by the Speaker of the Assembly and
36 one appointed by the Senate Committee on Rules. Any Member
37 of the Legislature appointed to the council shall meet with the
38 council and participate in its activities to the extent that
39 participation is not incompatible with his or her position as a
40 Member of the Legislature.

1 (c) ~~The Office of Criminal Justice Planning~~ *agency or agencies*
2 *designated by the Director of Finance pursuant to Section 13820*
3 shall collaborate closely with the council in developing funding
4 priorities, framing the request for proposals, and soliciting
5 proposals.

6 (d) This section shall remain in effect only until January 1,
7 2010, and as of that date is repealed, unless a later enacted statute,
8 that is enacted before January 1, 2010, deletes or extends that date.

9 *SEC. 34. Section 13823.2 of the Penal Code is amended to*
10 *read:*

11 13823.2. (a) The Legislature hereby finds and declares all of
12 the following:

13 (1) That violent and serious crimes are being committed
14 against the elderly on an alarmingly regular basis.

15 (2) That in 1985, the United States Department of Justice
16 reported that approximately 1 in every 10 elderly households in the
17 nation would be touched by crime.

18 (3) That the California Department of Justice, based upon
19 limited data received from local law enforcement agencies,
20 reported that approximately 10,000 violent crimes were
21 committed against elderly victims in 1985.

22 (4) That while the elderly may not be the most frequent targets
23 of crime, when they are victimized the impact of each vicious
24 attack has long-lasting effects. Injuries involving, for example, a
25 broken hip may never heal properly and often leave the victim
26 physically impaired. The loss of money used for food and other
27 daily living expenses for these costs may be life-threatening for the
28 older citizen on a fixed income. In addition, stolen or damaged
29 property often cannot be replaced.

30 (5) Although the State of California currently funds programs
31 to provide assistance to victims of crime and to provide general
32 crime prevention information, there are limited specialized efforts
33 to respond directly to the needs of elderly victims or to provide
34 prevention services tailored for the senior population.

35 (b) It is the intent of the Legislature that victim services, crime
36 prevention, and criminal justice training programs funded by the
37 ~~Office of Criminal Justice Planning~~ *agency or agencies designated*
38 *by the Director of Finance pursuant to Section 13820* shall include,
39 consistent with available resources, specialized components that
40 respond to the diverse needs of elderly citizens residing in the state.

1 SEC. 35. Section 13823.4 of the Penal Code is amended to
2 read:

3 13823.4. (a) The Legislature finds the problem of family
4 violence to be of serious and increasing magnitude. The
5 Legislature also finds that acts of family violence often result in
6 other crimes and social problems.

7 (b) There is in the ~~Office of Criminal Justice Planning~~ agency
8 or agencies designated by the Director of Finance pursuant to
9 Section 13820, a Family Violence Prevention Program. This
10 program shall provide financial and technical assistance to local
11 domestic and family violence centers in implementing family
12 violence prevention programs.

13 The goals and functions of the program shall include all of the
14 following:

15 (1) Promotion of community involvement through public
16 education geared specifically toward reaching and educating the
17 friends and neighbors of members of violent families.

18 (2) Development and dissemination of model protocols for the
19 training of criminal justice system personnel in domestic violence
20 intervention and prevention.

21 (3) Increasing citizen involvement in family violence
22 prevention.

23 (4) Identification and testing of family violence prevention
24 models.

25 (5) Replication of successful models, as appropriate, through
26 the state.

27 (6) Identification and testing of domestic violence model
28 protocols and intervention systems in major service delivery
29 institutions.

30 (7) Development of informational materials and seminars to
31 enable emulation or adaptation of the models by other
32 communities.

33 (8) Provision of domestic violence prevention education and
34 skills to students in schools.

35 (c) The executive director shall allocate funds to local centers
36 meeting the criteria for funding that shall be established by the
37 ~~Office of Criminal Justice Planning~~ agency or agencies
38 designated by the Director of Finance pursuant to Section 13820
39 in consultation with practitioners and experts in the field of family
40 violence prevention. All centers receiving funds pursuant to this

1 section shall have had an ongoing recognized program, supported
2 by either public or private funds, dealing with an aspect of family
3 violence, for at least two years prior to the date specified for
4 submission of applications for funding pursuant to this section. All
5 centers funded pursuant to this section shall utilize volunteers to
6 the greatest extent possible.

7 The centers may seek, receive, and make use of any funds which
8 may be available from all public and private sources to augment
9 any state funds received pursuant to this section. Sixty percent of
10 the state funds received pursuant to this section shall be used to
11 develop and implement model program protocols and materials.
12 Forty percent of the state funds received pursuant to this section
13 shall be allocated to programs to disseminate model program
14 protocols and materials. Dissemination shall include training for
15 domestic violence agencies in California. Each of the programs
16 funded under this section shall focus on no more than two targeted
17 areas. These targeted model areas shall be determined by the
18 ~~Office of Criminal Justice Planning~~ *agency or agencies designated*
19 *by the Director of Finance pursuant to Section 13820* in
20 consultation with practitioners and experts in the field of domestic
21 violence, using the domestic violence model priorities survey of
22 the California Alliance Against Domestic Violence.

23 Centers receiving funding shall provide matching funds of at
24 least 10 percent of the funds received pursuant to this section.

25 (d) ~~The Office of Criminal Justice Planning~~ *agency or agencies*
26 *designated by the Director of Finance pursuant to Section 13820*
27 shall develop and disseminate throughout the state information
28 and materials concerning family violence prevention, including,
29 but not limited to, a procedures manual on prevention models. The
30 ~~office~~ *agency or agencies designated by the Director of Finance*
31 *pursuant to Section 13820* shall also establish a resource center for
32 the collection, retention, and distribution of educational materials
33 related to family violence and its prevention.

34 SEC. 36. *Section 13823.5 of the Penal Code is amended to*
35 *read:*

36 13823.5. (a) ~~The Office of Criminal Justice Planning~~ *agency*
37 *or agencies designated by the Director of Finance pursuant to*
38 *Section 13820*, with the assistance of the advisory committee
39 established pursuant to Section 13836, shall establish a protocol
40 for the examination and treatment of victims of sexual assault and

1 attempted sexual assault, including child molestation, and the
2 collection and preservation of evidence therefrom. The protocol
3 shall contain recommended methods for meeting the standards
4 specified in Section 13823.11.

5 (b) In addition to the protocol, the ~~office~~ *agency or agencies*
6 *designated by the Director of Finance pursuant to Section 13820*
7 shall develop informational guidelines, containing general
8 reference information on evidence collection, examination of
9 victims and psychological and medical treatment for victims of
10 sexual assault and attempted sexual assault, including child
11 molestation.

12 In developing the protocol and the informational guidelines, the
13 ~~office~~ *agency or agencies designated by the Director of Finance*
14 *pursuant to Section 13820* and the advisory committee shall seek
15 the assistance and guidance of organizations assisting victims of
16 sexual assault; qualified health care professionals, criminalists,
17 and administrators who are familiar with emergency room
18 procedures; victims of sexual assault; and law enforcement
19 officials.

20 (c) The ~~office~~ *agency or agencies designated by the Director of*
21 *Finance pursuant to Section 13820*, in cooperation with the State
22 Department of Health Services and the Department of Justice,
23 shall adopt a standard and a complete form or forms for the
24 recording of medical and physical evidence data disclosed by a
25 victim of sexual assault or attempted sexual assault, including
26 child molestation.

27 Each qualified health care professional who conducts an
28 examination for evidence of a sexual assault or an attempted sexual
29 assault, including child molestation, shall use the standard form
30 adopted pursuant to this section, and shall make ~~such~~ *those*
31 observations and perform ~~such~~ *those* tests as may be required for
32 recording of the data required by the form. The forms shall be
33 subject to the same principles of confidentiality applicable to other
34 medical records.

35 The ~~office~~ *agency or agencies designated by the Director of*
36 *Finance pursuant to Section 13820* shall make copies of the
37 standard form or forms available to every public or private general
38 acute care hospital, as requested.

39 The standard form shall be used to satisfy the reporting
40 requirements specified in Sections 11160 and 11161 in cases of

1 sexual assault, and may be used in lieu of the form specified in
2 Section 11168 for reports of child abuse.

3 (d) ~~The office~~ *agency or agencies designated by the Director*
4 *of Finance pursuant to Section 13820* shall distribute copies of the
5 protocol and the informational guidelines to every general acute
6 care hospital, law enforcement agency, and prosecutor's office in
7 the state.

8 (e) As used in this chapter, "qualified health care professional"
9 means a physician and surgeon currently licensed pursuant to
10 Chapter 5 (commencing with Section 2000) of Division 2 of the
11 Business and Professions Code, or a nurse currently licensed
12 pursuant to Chapter 6 (commencing with Section 2700) of
13 Division 2 of the Business and Professions Code and working in
14 consultation with a physician and surgeon who conducts
15 examinations or provides treatment as described in Section
16 13823.9 in a general acute care hospital or in a physician and
17 surgeon's office.

18 *SEC. 37. Section 13823.9 of the Penal Code is amended to*
19 *read:*

20 13823.9. (a) Every public or private general acute care
21 hospital that examines a victim of sexual assault or attempted
22 sexual assault, including child molestation, shall comply with the
23 standards specified in Section 13823.11 and the protocol and
24 guidelines adopted pursuant to Section 13823.5.

25 (b) Each county with a population of more than 100,000 shall
26 arrange that professional personnel trained in the examination of
27 victims of sexual assault, including child molestation, shall be
28 present or on call either in the county hospital which provides
29 emergency medical services or in any general acute care hospital
30 which has contracted with the county to provide emergency
31 medical services. In counties with a population of 1,000,000 or
32 more, the presence of these professional personnel shall be
33 arranged at least one general acute care hospital for each 1,000,000
34 persons in the county.

35 (c) Each county shall designate at least one general acute care
36 hospital to perform examinations on victims of sexual assault,
37 including child molestation.

38 (d) (1) The protocol published by the ~~Office of Criminal~~
39 ~~Justice Planning~~ *agency or agencies designated by the Director of*
40 *Finance pursuant to Section 13820* shall be used as a guide for the

procedures to be used by every public or private general acute care hospital in the state for the examination and treatment of victims of sexual assault and attempted sexual assault, including child molestation, and the collection and preservation of evidence therefrom.

(2) The informational guide developed by the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 shall be consulted where indicated in the protocol, as well as to gain knowledge about all aspects of examination and treatment of victims of sexual assault and child molestation.

SEC. 38. Section 13823.93 of the Penal Code is amended to read:

13823.93. (a) For purposes of this section, the following definitions apply:

(1) “Medical personnel” includes physicians, nurse practitioners, physician assistants, nurses, and other health care providers, as appropriate.

(2) To “perform a medical evidentiary examination” means to evaluate, collect, preserve, and document evidence, interpret findings, and document examination results.

(b) To ensure the delivery of standardized curriculum, essential for consistent examination procedures throughout the state, one hospital-based training center shall be established through a competitive bidding process, to train medical personnel on how to perform medical evidentiary examinations for victims of child abuse or neglect, sexual assault, domestic violence, elder abuse, and abuse or assault perpetrated against persons with disabilities. The center also shall provide training for investigative and court personnel involved in dependency and criminal proceedings, on how to interpret the findings of medical evidentiary examinations.

The training provided by the training center shall be made available to medical personnel, law enforcement, and the courts throughout the state.

(c) The training center shall meet all of the following criteria:

(1) Recognized expertise and experience in providing medical evidentiary examinations for victims of child abuse or neglect, sexual assault, domestic violence, elder abuse, and abuse or assault perpetrated against persons with disabilities.

1 (2) Recognized expertise and experience implementing the
2 protocol established pursuant to Section 13823.5.

3 (3) History of providing training, including, but not limited to,
4 the clinical supervision of trainees and the evaluation of clinical
5 competency.

6 (4) Recognized expertise and experience in the use of advanced
7 medical technology and training in the evaluation of victims of
8 child abuse or neglect, sexual assault, domestic violence, elder
9 abuse, and abuse or assault perpetrated against persons with
10 disabilities.

11 (5) Significant history in working with professionals in the
12 field of criminalistics.

13 (6) Established relationships with local crime laboratories,
14 clinical laboratories, law enforcement agencies, district attorney's
15 offices, child protective services, victim advocacy programs, and
16 federal investigative agencies.

17 (7) The capacity for developing a telecommunication network
18 between primary, secondary, and tertiary medical providers.

19 (8) History of leadership in working collaboratively with
20 medical forensic experts, criminal justice experts, investigative
21 social worker experts, state criminal justice, social services, health
22 and mental health agencies, and statewide professional
23 associations representing the various disciplines, especially those
24 specified in paragraph (6) of subdivision (d).

25 (9) History of leadership in working collaboratively with state
26 and local victim advocacy organizations, especially those
27 addressing sexual assault and domestic violence.

28 (10) History and experience in the development and delivery of
29 standardized curriculum for forensic medical experts, criminal
30 justice professionals, and investigative social workers.

31 (11) History of research, particularly involving data bases, in
32 the area of child physical and sexual abuse, sexual assault, elder
33 abuse, or domestic violence.

34 (d) The training center shall do all of the following:

35 (1) Develop and implement a standardized training program
36 for medical personnel that has been reviewed and approved by a
37 multidisciplinary peer review committee.

38 (2) Develop a telecommunication system network between the
39 training center and other areas of the state, including rural and
40 mid-sized counties. This service shall provide case consultation to

1 medical personnel, law enforcement, and the courts and provide
2 continuing medical education.

3 (3) Provide ongoing basic, advanced, and specialized training
4 programs.

5 (4) Develop guidelines for the reporting and management of
6 child physical abuse and neglect, domestic violence, and elder
7 abuse.

8 (5) Develop guidelines for evaluating the results of training for
9 the medical personnel performing examinations.

10 (6) Provide standardized training for law enforcement officers,
11 district attorneys, public defenders, investigative social workers,
12 and judges on medical evidentiary examination procedures and the
13 interpretation of findings. This training shall be developed and
14 implemented in collaboration with the Peace Officer Standards
15 and Training Program, the California District Attorney's
16 Association, the California Peace Officers Association, the
17 California Police Chiefs Association, the California State Sheriffs
18 Association, the California Association of Crime Laboratory
19 Directors, the California Sexual Assault Investigators
20 Association, the California Alliance Against Domestic Violence,
21 the Statewide California Coalition for Battered Women, the
22 Family Violence Prevention Fund, child victim advocacy
23 organizations, the California Welfare Directors Association, the
24 California Coalition Against Sexual Assault, the Department of
25 Justice, the ~~Office of Criminal Justice Planning~~ *agency or agencies*
26 *designated by the Director of Finance pursuant to Section 13820*,
27 the Child Welfare Training Program, and the University of
28 California extension programs.

29 (7) Promote an interdisciplinary approach in the assessment
30 and management of child abuse and neglect, sexual assault, elder
31 abuse, domestic violence, and abuse or assault against persons
32 with disabilities.

33 (8) Provide training in the dynamics of victimization,
34 including, but not limited to, rape trauma syndrome, battered
35 woman syndrome, the effects of child abuse and neglect, and the
36 various aspects of elder abuse. This training shall be provided by
37 individuals who are recognized as experts within their respective
38 disciplines.

(e) Nothing in this section shall be construed to change the scope of practice for any health care provider, as defined in other provisions of law.

SEC. 39. Section 13825 of the Penal Code is amended to read:

13825. The State Graffiti Clearinghouse is hereby created in the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820. The State Graffiti Clearinghouse shall do all of the following, subject to federal funding:

(a) Assess and estimate the present costs to state and local agencies for graffiti abatement.

(b) Award grants to state and local agencies that have demonstrated implementation of effective graffiti reduction and abatement programs.

(c) Receive and disburse funds to effectuate the purposes of the clearinghouse.

SEC. 40. Section 13825.10 of the Penal Code is amended to read:

[13835.10] 13825.10. (a) The Legislature finds and declares all of the following:

(1) That the provision of quality services for victims of crime is of high priority.

(2) That existing victim service programs do not have sufficient financial resources to consistently recruit and employ fully trained personnel.

(3) That there is no consistency in the training provided to the various agencies serving victims.

(4) That comprehensive training for victim service agencies is geographically limited or unavailable.

(5) That there is currently no statewide comprehensive training system in place for the state to insure that all service providers receive adequate training to provide quality services to victims of crime.

(6) It is the intention of the Legislature to establish a statewide training program within the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 to provide comprehensive standardized training to victim service providers.

(b) The ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820

1 shall establish a statewide victim-assistance training program, the
2 purpose of which is to develop minimum training and selection
3 standards, certify training courses, and provide funding to enable
4 local victim service providers to acquire the required training.

5 (c) (1) For the purpose of raising the level of competence of
6 local victim service providers, the office shall adopt guidelines
7 establishing minimum standards of training for employees of
8 victim-witness and sexual assault programs funded by the office
9 to provide services to victims of crime. The office shall establish
10 an advisory committee composed of recognized statewide victim
11 service organizations, representatives of local victim service
12 programs, and others selected at the discretion of the executive
13 director to consult on the research and development of the training,
14 selection, and equivalency standards.

15 (2) Any local unit of government, community-based
16 organization, or any other public or private nonprofit entity funded
17 by the office as a victim-witness or sexual assault program to
18 provide services to victims of crime shall adhere to the training and
19 selection standards established by the office. The standards for
20 sexual assault victim service programs developed by the advisory
21 committee established pursuant to Section 13836 shall be the
22 standards for purposes of this section. With the exception of the
23 sexual assault standards, the office shall conduct or contract with
24 an appropriate firm or entity for research on validated standards
25 pursuant to this section in consultation with the advisory
26 committee established pursuant to paragraph (1). The office may
27 defer the adoption of the selection standards until the necessary
28 research is completed. Until the standards are adopted, affected
29 victim service programs may receive state funding from the office
30 upon certification of their willingness to adhere to the training
31 standards adopted by the office.

32 (3) Minimum training and selection standards may include, but
33 shall not be limited to, basic entry, continuation, supervisory,
34 management, specialized curricula, and confidentiality.

35 (4) Training and selection standards shall apply to all victim
36 service and management personnel of the victim-witness and
37 sexual assault agencies funded by the office to provide services to
38 victims of crime. Exemptions from this requirement may be made
39 by the office. An agency which, despite good faith efforts, is
40 unable to meet the standards established pursuant to this section,

1 may apply to the office for an exemption. For the purpose of
2 exemptions, the office may establish procedures that allow for
3 partial adherence. The office may develop equivalency standards
4 which recognize professional experience, education, training, or
5 a combination of the above, for personnel hired before July 1,
6 1987.

7 (5) Nothing in this section shall prohibit an agency, funded by
8 the office to provide services to victims of crime, from establishing
9 training and selection standards which exceed the minimum
10 standards established by the office pursuant to this section.

11 (d) For purposes of implementing this section, the office has all
12 of the following powers:

13 (1) To approve or certify, or both, training courses selected by
14 the office.

15 (2) To make those inquiries which may be necessary to
16 determine whether every local unit of government,
17 community-based organization, or any other public or private
18 entity receiving state aid from the office as a victim-witness or
19 sexual assault program for the provision of services to victims of
20 crime, is adhering to the standards for training and selection
21 established pursuant to this section.

22 (3) To adopt those guidelines which are necessary to carry out
23 the purposes of this section.

24 (4) To develop or present, or both, training courses for victim
25 service providers, or to contract with coalitions, councils, or other
26 designated entities, to develop or present, or both, those training
27 courses.

28 (5) To perform other activities and studies necessary to carry
29 out the intent of this section.

30 (e) (1) The office may utilize any funds that may become
31 available from the Victim-Witness Assistance Fund to fund the
32 cost of training staff of victim service agencies which are funded
33 by the office from the fund. The office may utilize federal or other
34 state funds that may become available to fund the cost of training
35 staff of victim service agencies which are not eligible for funding
36 from the Victim-Witness Assistance Fund.

37 (2) Peace officer personnel whose jurisdictions are eligible for
38 training subvention pursuant to Chapter 1 (commencing with
39 Section 13500) of Title 4 of this part and correctional or probation
40 personnel whose jurisdictions are eligible for state aid pursuant to

Article 2 (commencing with Section 6035) of Chapter 5 of Title 7 of Part 3 are not eligible to receive training reimbursements under this section unless the person receiving the training is assigned to provide victim services in accordance with a grant award agreement with the office and is attending training to meet the established standards.

SEC. 41. Section 13826.1 of the Penal Code is amended to read:

13826.1. (a) There is hereby established in the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820, the Gang Violence Suppression Program, a program of financial and technical assistance for district attorneys' offices, local law enforcement agencies, county probation departments, school districts, county offices of education, or any consortium thereof, and community-based organizations which are primarily engaged in the suppression of gang violence. All funds appropriated to the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 for the purposes of this chapter shall be administered and disbursed by the executive director of the ~~office~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 in consultation with the California Council on Criminal Justice, and shall to the greatest extent feasible be coordinated or consolidated with federal funds that may be made available for these purposes.

(b) The executive director is authorized to allocate and award funds to cities, counties, school districts, county offices of education, or any consortium thereof, and community-based organizations in which gang violence suppression programs are established in substantial compliance with the policies and criteria set forth in this chapter.

(c) The allocation and award of funds shall be made on the application of the district attorney, chief law enforcement officer, or chief probation officer of the applicant unit of government and approved by the legislative body, on the application of school districts, county offices of education, or any consortium thereof, or on the application of the chief executive of a community-based organization. All programs funded pursuant to this chapter shall work cooperatively to ensure the highest quality provision of services and to reduce unnecessary duplication. Funds disbursed

1 under this chapter shall not supplant local funds that would, in the
2 absence of the Gang Violence Suppression Program, be made
3 available to support the activities set forth in this chapter. Funds
4 awarded under this program as local assistance grants shall not be
5 subject to review as specified in Section 10295 of the Public
6 Contract Code.

7 (d) The executive director shall prepare and issue written
8 program and administrative guidelines and procedures for the
9 Gang Violence Suppression Program, consistent with this chapter.
10 These guidelines shall set forth the terms and conditions upon
11 which the ~~Office of Criminal Justice Planning~~ *agency or agencies*
12 *designated by the Director of Finance pursuant to Section 13820*
13 is prepared to offer grants of funds pursuant to statutory authority.
14 The guidelines do not constitute rules, regulations, orders, or
15 standards of general application.

16 (e) Annually, commencing November 1, 1984, the executive
17 director shall prepare a report to the Legislature describing in
18 detail the operation of the statewide program and the results
19 obtained by district attorneys' offices, local law enforcement
20 agencies, county probation departments, school districts, county
21 offices of education, or any consortium thereof, and
22 community-based organizations receiving funds under this
23 chapter and under comparable federally financed awards.

24 (f) Criteria for selection of district attorneys' offices, local law
25 enforcement agencies, county probation departments, school
26 districts, county offices of education, or any consortium thereof,
27 and community-based organizations to receive gang violence
28 suppression funding shall be developed in consultation with the
29 Gang Violence Suppression Advisory Committee whose members
30 shall be appointed by the Executive Director of the ~~Office of~~
31 ~~Criminal Justice Planning~~ *agency or agencies designated by the*
32 *Director of Finance pursuant to Section 13820*, unless otherwise
33 designated.

34 (g) The Gang Violence Suppression Advisory Committee shall
35 be composed of five district attorneys; two chief probation
36 officers; two representatives of community-based organizations;
37 three attorneys primarily engaged in the practice of juvenile
38 criminal defense; three law enforcement officials with expertise in
39 gang-related investigations; one member from the California
40 Youth Authority Gang Task Force nominated by the Director of the

1 California Youth Authority; one member of the Department of
2 Corrections Law Enforcement Liaison Unit nominated by the
3 Director of the Department of Corrections; one member from the
4 Department of Justice nominated by the Attorney General; the
5 Superintendent of Public Instruction, or his or her designee; one
6 member of the California School Boards Association; and one
7 representative of a school program specializing in the education of
8 the target population identified in this chapter.

9 Five members of the Gang Violence Suppression Advisory
10 Committee appointed by the Executive Director of the ~~Office of~~
11 ~~Criminal Justice Planning~~ *agency or agencies designated by the*
12 *Director of Finance pursuant to Section 13820* shall be from rural
13 or predominately suburban counties and shall be designated by the
14 Executive Director as comprising the Rural Gang Task Force
15 Subcommittee.

16 The Rural Gang Task Force Subcommittee, in coordination
17 with the Gang Violence Suppression Advisory Committee and the
18 ~~Office of Criminal Justice Planning~~ *agency or agencies designated*
19 *by the Director of Finance pursuant to Section 13820*, shall review
20 the Gang Violence Suppression Program participation
21 requirements and recommend changes in the requirements which
22 recognize the unique conditions and constraints that exist in small
23 rural jurisdictions and enhance the ability of small rural
24 jurisdictions to participate in the Gang Violence Suppression
25 Program.

26 (h) The Director of the ~~Office of Criminal Justice Planning~~
27 *agency or agencies designated by the Director of Finance*
28 *pursuant to Section 13820* shall designate a staff member in the
29 Gang Violence Suppression Program to act as the Rural Gang
30 Prevention Coordinator and to provide technical assistance and
31 outreach to rural jurisdictions with emerging gang activities. It is
32 the intent of the Legislature that compliance with this subdivision
33 not necessitate an additional staff person.

34 (i) This section shall be operative January 1, 1994.

35 *SEC. 42. Section 13826.15 of the Penal Code is amended to*
36 *read:*

37 13826.15. (a) The Legislature hereby finds and declares that
38 the implementation of the Gang Violence Suppression Program,
39 as provided in this chapter, has made a positive impact in the battle
40 against crimes committed by gang members in California.

1 The Legislature further finds and declares that the program,
2 when it was originally created in 1981, provided financial and
3 technical assistance only for district attorneys' offices. Since that
4 time, however, the provisions of the program have been amended
5 by the Legislature to enable additional public entities and
6 community-based organizations to participate in the program. In
7 this respect, the ~~Office of Criminal Justice Planning~~ *agency or*
8 *agencies designated by the Director of Finance pursuant to*
9 *Section 13820*, pursuant to Section 13826.1, administers funding
10 for the program by awarding grants to worthy applicants.
11 Therefore, it is the intent of the Legislature in enacting this
12 measure to assist the ~~Office of Criminal Justice Planning~~ *agency*
13 *or agencies designated by the Director of Finance pursuant to*
14 *Section 13820* in setting forth guidelines for this funding.

15 (b) The ~~Office of Criminal Justice Planning~~ *agency or agencies*
16 *designated by the Director of Finance pursuant to Section 13820*
17 may give priority to applicants for new grant awards, as follows:

18 (1) First priority may be given to applicants representing
19 unfunded single components, as specified in Sections 13826.2,
20 13826.4, 13826.5, 13826.6, and 13826.65, in those counties that
21 receive Gang Violence Suppression Program funding for some,
22 but not all, of the program's components. The purpose of
23 establishing this priority is to provide funding for a full
24 complement of the five Gang Violence Suppression Program
25 components in those counties that have less than all five
26 components established.

27 (2) Second priority may be given to those applicants that
28 propose a multiagency, or multijurisdictional single component
29 project, whereby more than one agency would be funded as a joint
30 project under the single components specified in Sections
31 13826.2, 13826.4, 13826.5, 13826.6, and 13826.65, and the
32 funding would be provided through a single grant award.

33 (3) Third priority may be given to applicants that propose
34 multijurisdictional multicomponent projects, whereby all five
35 Gang Violence Suppression Program components, as specified in
36 Sections 13826.2, 13826.4, 13826.5, 13826.6, and 13826.65,
37 would be funded in a county that does not currently receive Gang
38 Violence Suppression Program funds.

(4) Fourth priority may be given to those single agency single component applicants, in counties wherein the program component is not currently funded.

(c) The ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 shall consider the unique needs of, and circumstances of jurisdiction in, rural and suburban counties when awarding new grant funds.

SEC. 43. Section 13826.62 of the Penal Code is amended to read:

13826.62. (a) There is hereby established in the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820, the Urban Corps Program. The Urban Corps Program is established as an optional activity under Section 13826.6. Community-based organizations receiving grants to participate in the Urban Corps Program shall implement the following activities:

(1) Identification of publicly and privately administered programs in the county dealing with the suppression or prevention of criminal gang activities, or both.

(2) Maintenance of a listing of programs within the county identified as dealing with the suppression or prevention of criminal gang activities, or both.

(3) Surveying gang suppression and prevention organizations for the types of services and activities each is engaged in, and identifying needs among these organizations for resources to provide services and fulfill their activities.

(4) Recruitment of volunteers, identification of their skills, abilities and interests, and matching volunteers with the resources needs of gang prevention and suppression organizations.

(5) Establishment of an urban respite program for the purpose of preventing self-destructive activities and diverting (A) identified youth gang members, and (B) youths who are at risk of becoming gang members, for the purposes of reducing or eliminating incentives for those youths to participate in gang-related crime activities.

(b) The Urban Corps Program shall operate within the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 for two years

1 following the establishment of a contract with a community-based
2 organization to administer the program.

3 (c) This section shall be implemented to the extent that funds
4 are available to the ~~Office of Criminal Justice Planning~~ agency or
5 agencies designated by the Director of Finance pursuant to
6 Section 13820 for this purpose.

7 SEC. 44. Section 13826.7 of the Penal Code is amended to
8 read:

9 13826.7. The ~~Office of Criminal Justice Planning~~ agency or
10 agencies designated by the Director of Finance pursuant to
11 Section 13820 and the California Council on Criminal Justice are
12 encouraged to utilize any federal funds that may become available
13 for purposes of this act. This act becomes operative only if federal
14 funds are made available for its implementation.

15 SEC. 45. Section 13830 of the Penal Code is amended to read:

16 13830. There is hereby created in state government a Judicial
17 Criminal Justice Planning Committee of seven members. The
18 Judicial Council shall appoint the members of the committee who
19 shall hold office at its pleasure. In this respect the Legislature finds
20 as follows:

21 (a) The California court system has a constitutionally
22 established independence under the judicial and separation of
23 power clauses of the State Constitution.

24 (b) The California court system has a statewide structure
25 created under the Constitution, state statutes and state court rules,
26 and the Judicial Council of California is the constitutionally
27 established state agency having responsibility for the operation of
28 that structure.

29 (c) The California court system will be directly affected by the
30 criminal justice planning that will be done under this title and by
31 the federal grants that will be made to implement that planning.

32 (d) For effective planning and implementation of court projects
33 it is essential that the ~~executive Office of Criminal Justice Planning~~
34 agency or agencies designated by the Director of Finance
35 pursuant to Section 13820 have the advice and assistance of a state
36 judicial system planning committee.

37 SEC. 46. Section 13832 of the Penal Code is amended to read:

38 13832. The ~~Office of Criminal Justice Planning~~ agency or
39 agencies designated by the Director of Finance pursuant to
40 Section 13820 shall consult with, and shall seek the advice of, the

Judicial Criminal Justice Planning Committee in carrying out its functions under Chapter 3 of this title insofar as they affect the California court system.

In addition, any grant of federal funds made or approved by the office which is to be implemented in the California court system shall be submitted to the Judicial Criminal Justice Planning Committee for its review and recommendations before being presented to the California Council on Criminal Justice for its action.

SEC. 47. Section 13833 of the Penal Code is amended to read:

13833. The expenses necessarily incurred by the members of the Judicial Criminal Justice Planning Committee in the performance of their duties under this title shall be paid by the Judicial Council, but it shall be reimbursed by the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 to the extent that federal funds can be made available for that purpose. Staff support for the committee's activities shall be provided by the Judicial Council, but the cost of that staff support shall be reimbursed by the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 to the extent that federal funds can be made available for that purpose.

SEC. 48. Section 13835.2 of the Penal Code is amended to read:

13835.2. (a) Funds appropriated from the Victim-Witness Assistance Fund shall be made available through the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 to any public or private nonprofit agency for the assistance of victims and witnesses which meets all of the following requirements:

(1) It provides comprehensive services to victims and witnesses of all types of crime. It is the intent of the Legislature to make funds available only to programs which do not restrict services to victims and witnesses of a particular type of crime, and which do not restrict services to victims of crime where there is a suspect in the case.

(2) It is recognized by the board of supervisors as the major provider of comprehensive services to victims and witnesses in the county.

1 (3) It is selected by the board of supervisors as the agency to
2 receive funds pursuant to this article.

3 (4) It assists victims of crime in the preparation, verification,
4 and presentation of their claims to the State Board of Control for
5 indemnification pursuant to Article 1 (commencing with Section
6 13959) of Part 4 of Division 3 of Title 2 of the Government Code.

7 (5) It cooperates with the State Board of Control in verifying
8 the data required by Article 1 (commencing with Section 13959)
9 of Part 4 of Division 3 of Title 2 of the Government Code.

10 (b) ~~The Office of Criminal Justice Planning~~ *agency or agencies*
11 *designated by the Director of Finance pursuant to Section 13820*
12 shall consider the following factors, together with any other
13 circumstances it deems appropriate, in awarding funds to public or
14 private nonprofit agencies designated as victim and witness
15 assistance centers:

16 (1) The capability of the agency to provide comprehensive
17 services as defined in this article.

18 (2) The stated goals and objectives of the center.

19 (3) The number of people to be served and the needs of the
20 community.

21 (4) Evidence of community support.

22 (5) The organizational structure of the agency which will
23 operate the center.

24 (6) The capability of the agency to provide confidentiality of
25 records.

26 (c) ~~The Office of Criminal Justice Planning~~ *agency or agencies*
27 *designated by the Director of Finance pursuant to Section 13820*
28 shall conduct an evaluation of the activities and performance of the
29 centers established pursuant to Chapter 1256 of the Statutes of
30 1977 to determine their ability to comply with the intent of this
31 article, and shall report the findings thereon to the Legislature by
32 January 1, 1985.

33 *SEC. 49. Section 13835.6 of the Penal Code is amended to*
34 *read:*

35 13835.6. (a) ~~The Office of Criminal Justice Planning~~
36 *or agencies designated by the Director of Finance pursuant to*
37 *Section 13820*, in cooperation with representatives from local
38 victim and witness assistance centers, shall develop standards
39 defining the activities and services enumerated in this article.

1 (b) The ~~Office of Criminal Justice Planning~~ agency or agencies
2 *designated by the Director of Finance pursuant to Section 13820*
3 in cooperation with representatives from local victim and witness
4 assistance centers, shall develop a method of evaluating the
5 activities and performance of centers established pursuant to this
6 article.

7 By January 1, 1985, the ~~Office of Criminal Justice Planning~~
8 *agency or agencies designated by the Director of Finance*
9 *pursuant to Section 13820* shall prepare and submit to the
10 Legislature a report summarizing the effectiveness of victim and
11 witness assistance centers established pursuant to this article. That
12 report shall include, but not be limited to, the effectiveness in
13 achieving the functions and the services enumerated in the article.

14 SEC. 50. *Section 13835.7 of the Penal Code is amended to*
15 *read:*

16 13835.7. There is in the State Treasury the Victim-Witness
17 Assistance Fund. Funds appropriated thereto shall be dispensed to
18 the ~~Office of Criminal Justice Planning~~ agency or agencies
19 *designated by the Director of Finance pursuant to Section 13820*
20 exclusively for the purposes specified in this article and for the
21 support of the centers specified in Section 13837.

22 SEC. 51. *Section 13836 of the Penal Code is amended to read:*

23 13836. The ~~Office of Criminal Justice Planning~~ agency or
24 *agencies designated by the Director of Finance pursuant to*
25 *Section 13820* shall establish an advisory committee which shall
26 develop a course of training for district attorneys in the
27 investigation and prosecution of sexual assault cases, child sexual
28 exploitation cases, and child sexual abuse cases and shall approve
29 grants awarded pursuant to Section 13837. The courses shall
30 include training in the unique emotional trauma experienced by
31 victims of these crimes.

32 It is the intent of the Legislature in the enactment of this chapter
33 to encourage the establishment of sex crime prosecution units,
34 which shall include, but not be limited to, child sexual exploitation
35 and child sexual abuse cases, in district attorneys' offices
36 throughout the state.

37 SEC. 52. *Section 13836.1 of the Penal Code is amended to*
38 *read:*

39 13836.1. ~~Such~~ The committee shall consist of 11 members.
40 Five shall be appointed by the executive director of the ~~Office of~~

1 ~~Criminal Justice Planning~~ agency or agencies designated by the
2 Director of Finance pursuant to Section 13820, and shall include
3 three district attorneys or assistant or deputy district attorneys, one
4 representative of a city police department or a sheriff or a
5 representative of a sheriff's department, and one public defender
6 or assistant or deputy public defender of a county. Six shall be
7 public members appointed by the Commission on the Status of
8 Women, and shall include one representative of a rape crisis center,
9 and one medical professional experienced in dealing with sexual
10 assault trauma victims. The committee members shall represent
11 the points of view of diverse ethnic and language groups.

12 Members of the committee shall receive no compensation for
13 their services but shall be reimbursed for their expenses actually
14 and necessarily incurred by them in the performance of their
15 duties. Staff support for the committee shall be provided by the
16 ~~Office of Criminal Justice Planning~~ agency or agencies designated
17 by the Director of Finance pursuant to Section 13820.

18 SEC. 53. Section 13837 of the Penal Code is amended to read:

19 13837. The ~~Office of Criminal Justice Planning~~ agency or
20 agencies designated by the Director of Finance pursuant to
21 Section 13820 shall provide grants to proposed and existing local
22 rape, child sexual exploitation, and child sexual abuse victim
23 counseling centers and prevention programs. Grant recipients
24 shall provide appropriate in-person counseling and referral
25 services during normal business hours, and maintain other
26 standards or services which shall be determined to be appropriate
27 by the advisory committee established pursuant to Section 13836
28 as grant conditions. Rape victim counseling centers shall provide
29 a 24-hour telephone counseling service for sex crime victims. The
30 advisory committee shall identify the criteria to be utilized in
31 awarding the grants provided by this chapter before any funds are
32 allocated.

33 In order to be eligible for funding pursuant to this chapter, the
34 centers shall demonstrate an ability to receive and make use of any
35 funds available from governmental, voluntary, philanthropic, or
36 other sources which may be used to augment any state funds
37 appropriated for purposes of this chapter. Each center receiving
38 funds pursuant to this chapter shall make every attempt to qualify
39 for any available federal funding.

State funds provided to establish centers shall be utilized when possible, as determined by the advisory committee, to expand the program and shall not be expended to reduce fiscal support from other public or private sources. The centers shall maintain quarterly and final fiscal reports in a form to be prescribed by the administering agency. In granting funds, the advisory committee shall give priority to centers which are operated in close proximity to medical treatment facilities.

SEC. 54. Section 13843 of the Penal Code is amended to read:

13843. (a) Allocation and award of funds made available under this chapter shall be made upon application to the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820. All applications shall be reviewed and evaluated by the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820.

(b) The Executive Director of the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 may allocate and award funds to communities developing and providing ongoing citizen involvement and crime resistance programs in compliance with the established policies and criteria of the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820. Applications receiving funding under this section shall be selected from among those deemed appropriate for funding according to the criteria, policy, and procedures established by the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820.

(c) With the exception of funds awarded for programs authorized under paragraph (2) of subdivision (b) of Section 13844, no single award of funds under this chapter shall exceed a maximum of two hundred fifty thousand dollars (\$250,000) for a 12-month grant period.

(d) Funds disbursed under this chapter shall not supplant local funds that would, in the absence of the California Community Crime Resistance Program, be made available to support crime resistance programs.

(e) Funds disbursed under this chapter shall be supplemented with local funds constituting, at a minimum, 10 percent of the total

1 crime resistance program budget during the initial year and 20
2 percent in subsequent periods of funding.

3 (f) Annually, up to a maximum of 10 percent of the total funds
4 appropriated to the Community Crime Resistance Program may be
5 used by the ~~Office of Criminal Justice Planning~~ *agency or agencies*
6 *designated by the Director of Finance pursuant to Section 13820*
7 to support statewide technical assistance, training, and public
8 awareness activities relating to crime prevention.

9 (g) Funds awarded under this program as local assistance
10 grants shall not be subject to review as specified in Section 14780
11 of the Government Code.

12 (h) Guidelines shall set forth the terms and conditions upon
13 which the ~~Office of Criminal Justice Planning~~ *agency or agencies*
14 *designated by the Director of Finance pursuant to Section 13820*
15 is prepared to offer grants of funds pursuant to statutory authority.
16 The guidelines do not constitute rules, regulations, orders or
17 standards of general application.

18 SEC. 55. *Section 13844 of the Penal Code is amended to read:*

19 13844. (a) Use of funds granted under the California
20 Community Crime Resistance Program are restricted to the
21 following activities:

22 (1) Further the goal of a statewide crime prevention network by
23 supporting the initiation or expansion of local crime prevention
24 efforts.

25 (2) Provide information and encourage the use of new and
26 innovative refinements to the traditional crime prevention model
27 in localities that currently maintain a well-established crime
28 prevention program.

29 (3) Support the development of a coordinated service network,
30 including information exchange and case referral between such
31 programs as local victim-witness assistance programs, sexual
32 assault programs, gang violence reduction programs, drug
33 suppression programs, elderly care custodians, state and local
34 elderly service programs, or any other established and
35 recognizable local programs devoted to the lessening of crime and
36 the promotion of the community's well-being.

37 (b) With respect to the initiation or expansion of local crime
38 prevention efforts, projects supported under the California
39 Community Crime Resistance Program shall do either of the
40 following:

(1) Carry out as many of the following activities as deemed, in the judgment of the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820, to be consistent with available resources:

(A) Crime prevention programs using tailored outreach techniques in order to provide effective and consistent services for the elderly in the following areas:

(i) Crime prevention information to elderly citizens regarding personal safety, fraud, theft, grand theft, burglary, and elderly abuse.

(ii) Services designed to respond to the specific and diverse crime prevention needs of elderly residential communities.

(iii) Specific services coordinated to assist in the installation of security devices or provision of escort services and victim assistance.

(B) Programs to provide training, information, and prevention literature to peace officers, elderly care custodians, health practitioners, and social service providers regarding physical abuse and neglect within residential health care facilities for the elderly.

(C) Programs to promote neighborhood involvement such as, but not limited to, block clubs and other community or resident-sponsored anti-crime programs.

(D) Personal safety programs.

(E) Domestic violence prevention programs.

(F) Crime prevention programs specifically geared to youth in schools and school district personnel.

(G) Programs which make available to residents and businesses information on locking devices, building security and related crime resistance approaches.

(H) In cooperation with the Commission on Peace Officer Standards and Training, support for the training of peace officers in crime prevention and its effects on the relationship between citizens and law enforcement.

(I) Efforts to address the crime prevention needs of communities with high proportions of teenagers and young adults, low-income families, and non-English-speaking residents, including juvenile delinquency diversion, social service referrals, and making available crime resistance literature in appropriate languages other than English.

(2) Implement a community policing program in targeted neighborhoods that are drug infested. The goal of this program shall be to empower the people against illegal drug activity. A program funded pursuant to this chapter shall be able to target one or more neighborhoods within the grant period. In order to be eligible for funding, the program shall have the commitment of the community, local law enforcement, school districts, and community service groups; and shall be supported by either the city council or the board of supervisors, whichever is applicable.

(c) With respect to the support of new and innovative techniques, communities taking part in the California Crime Resistance Program shall carry out those activities as determined by the ~~Office of Criminal Justice Planning~~ *agency or agencies designated by the Director of Finance pursuant to Section 13820*, that conform to local needs and are consistent with available expertise and resources. These techniques may include, but are not limited to, community policing programs or activities involving the following:

(1) Programs to reinforce the security of “latchkey” children, including neighborhood monitoring, special contact telephone numbers, emergency procedure training for the children, daily telephone checks for the children’s well-being, and assistance in developing safe alternatives to unsupervised conditions for children.

(2) Programs dedicated to educating parents in procedures designed to do all of the following:

(A) Minimize or prevent the abduction of children.

(B) Assist children in understanding the risk of child abduction.

(C) Maximize the recovery of abducted children.

(3) Programs devoted to developing automated systems for monitoring and tracking crimes within organized neighborhoods.

(4) Programs devoted to developing timely “feedback mechanisms” whose goals would be to alert residents to new crime problems and to reinforce household participation in neighborhood security organizations.

(5) Programs devoted to creating and packaging special crime prevention approaches tailored to the special needs and characteristics of California’s cultural and ethnic minorities.

(6) Research into the effectiveness of local crime prevention efforts including the relationships between crime prevention activities, participants' economic and demographic characteristics, project costs, local or regional crime rate, and law enforcement planning and staff deployment.

(7) Programs devoted to crime and delinquency prevention through the establishment of partnership initiatives utilizing elderly and juvenile volunteers.

(d) All approved programs shall utilize volunteers to assist in implementing and conducting community crime resistance programs. Programs providing elderly crime prevention programs shall recruit senior citizens to assist in providing services.

(e) Programs funded pursuant to this chapter shall demonstrate a commitment to support citizen involvement with local funds after the program has been developed and implemented with state moneys.

SEC. 56. Section 13846 of the Penal Code is amended to read:

13846. (a) Evaluation and monitoring of all grants made under this section shall be the responsibility of the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820. The ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 shall issue standard reporting forms for reporting the level of activities and number of crimes reported in participating communities. The information shall be used in the biannual report to the Legislature required in subdivision (i) of Section 13843. The biannual report shall include, but not be limited to:

(1) The level of volunteer participation.

(2) The level of home and business security inspections.

(3) The number of programs directed at senior citizens and teenagers.

(4) The report due November 1, 1992, as set forth in subdivision (i) of Section 13843, shall also include the plan for implementation of the program expansion authorized pursuant to this chapter and shall include the results of a survey conducted by the ~~office~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 to determine the types of community policing programs that already exist to combat illegal drug activity in targeted neighborhoods.

(b) Information on successful programs shall be made available and relayed to other California communities through the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 technical assistance procedures.

SEC. 57. Section 13847 of the Penal Code is amended to read:

13847. (a) There is hereby established in the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 a program of financial and technical assistance for local law enforcement, called the Rural Indian Crime Prevention Program. The program shall target the relationship between law enforcement and Native American communities to encourage and to strengthen cooperative efforts and to implement crime suppression and prevention programs.

(b) The Executive Director of the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 may allocate and award funds to those local units of government, or combinations thereof, in which a special program is established in law enforcement agencies that meets the criteria set forth in Sections 13847.1 and 13847.2.

(c) The allocation and award of funds shall be made upon application executed by the chief law enforcement officer of the applicant unit of government and approved by the legislative body. Funds disbursed under this chapter shall not supplant local funds that would, in the absence of the Rural Indian Crime Prevention Program, be made available to support the suppression and prevention of crime on reservations and rancherias.

(d) The executive director shall prepare and issue administrative guidelines and procedures for the Rural Indian Crime Prevention Program consistent with this chapter.

(e) The guidelines shall set forth the terms and conditions upon which the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 is prepared to offer grants of funds pursuant to statutory authority. The guidelines do not constitute rules, regulations, orders, or standards of general application.

(f) Every three years, commencing on and after January 1, 1991, the executive director shall prepare a report to the

1 Legislature describing in detail the operation of the program and
2 the results obtained from law enforcement rural Indian crime
3 prevention programs receiving funds under this chapter.

4 *SEC. 58. Section 13847.2 of the Penal Code is amended to*
5 *read:*

6 13847.2. (a) The Rural Indian and Law Enforcement Local
7 Advisory Committee shall be composed of a chief executive of a
8 law enforcement agency, two tribal council members, two tribal
9 elders, one Indian law enforcement officer, one Indian community
10 officer, one representative of the Bureau of Indian Affairs, and any
11 additional members that may prove to be crucial to the committee.
12 All members of the advisory committee shall be designated by the
13 executive director *of the agency or agencies designated by the*
14 *Director of Finance pursuant to Section 13820*, who shall provide
15 staff services to the advisory committee.

16 (b) The executive director *of the agency or agencies designated*
17 *by the Director of Finance pursuant to Section 13820*, in
18 consultation with the advisory committee, shall develop specific
19 guidelines, and administrative procedures, for the selection of
20 projects to be funded by the Rural Indian Crime Prevention
21 Program which guidelines shall include the selection criteria
22 described in this chapter.

23 (c) Administration of the overall program and the evaluation
24 and monitoring of all grants made under this chapter shall be
25 performed by the ~~Office of Criminal Justice Planning~~ *agency or*
26 *agencies designated by the Director of Finance pursuant to*
27 *Section 13820*, provided that funds expended for these functions
28 shall not exceed 5 percent of the total annual amount made
29 available for the purpose of this chapter.

30 *SEC. 59. Section 13848.2 of the Penal Code is amended to*
31 *read:*

32 13848.2. (a) There is hereby established in the ~~Office of~~
33 ~~Criminal Justice Planning~~ *agency or agencies designated by the*
34 *Director of Finance pursuant to Section 13820* a program of
35 financial and technical assistance for law enforcement and district
36 attorneys' offices, designated the High Technology Theft
37 Apprehension and Prosecution Program. All funds appropriated to
38 the ~~Office of Criminal Justice Planning~~ *agency or agencies*
39 *designated by the Director of Finance pursuant to Section 13820*
40 for the purposes of this chapter shall be administered and disbursed

1 by the executive director of the office in consultation with the High
2 Technology Crime Advisory Committee as established in Section
3 13848.6 and shall to the extent feasible be coordinated with federal
4 funds and private grants or private donations that are made
5 available for these purposes.

6 (b) The Executive Director of the ~~Office of Criminal Justice~~
7 ~~Planning~~ *agency or agencies designated by the Director of*
8 *Finance pursuant to Section 13820* is authorized to allocate and
9 award funds to regional high technology crime programs which
10 are established in compliance with Section 13848.4.

11 (c) The allocation and award of funds under this chapter shall
12 be made on application executed by the district attorney, county
13 sheriff, or chief of police and approved by the board of supervisors
14 for each county that is a participant of a high technology theft
15 apprehension and prosecution unit.

16 (d) In identifying program areas that will be eligible for
17 competitive application during the 1998–99 fiscal year for federal
18 funding pursuant to the Edward Byrne Memorial State and Local
19 Law Enforcement Assistance Programs (Subchapter V
20 (commencing with Section 3750) of Chapter 46 of the United
21 States Code), the ~~Office of Criminal Justice Planning~~ *agency or*
22 *agencies designated by the Director of Finance pursuant to*
23 *Section 13820* shall include, to the extent possible, an emphasis on
24 high technology crime by selecting funding areas that would
25 further the use of federal funds to address high technology crime
26 and facilitate the establishment of high technology
27 multijurisdictional task forces.

28 (e) The ~~Office of Criminal Justice Planning~~ *agency or agencies*
29 *designated by the Director of Finance pursuant to Section 13820*
30 shall allocate any increase in federal funding pursuant to the
31 Anti-Drug Abuse Act (Public Law 100-690) for the 1998–99 fiscal
32 year to those programs described in subdivision (d).

33 *SEC. 60. Section 13848.4 of the Penal Code is amended to*
34 *read:*

35 13848.4. (a) All funds appropriated to the ~~Office of Criminal~~
36 ~~Justice Planning~~ *agency or agencies designated by the Director of*
37 *Finance pursuant to Section 13820* for the purposes of this chapter
38 shall be deposited in the High Technology Theft Apprehension and
39 Prosecution Program Trust Fund, which is hereby established. The
40 fund shall be under the direction and control of the executive

1 director. Moneys in the fund, upon appropriation by the
2 Legislature, shall be expended to implement this chapter.

3 (b) Moneys in the High Technology Theft Apprehension and
4 Prosecution Program Trust Fund shall be expended to fund
5 programs to enhance the capacity of local law enforcement and
6 prosecutors to deter, investigate, and prosecute high
7 technology-related crimes. After deduction of the actual and
8 necessary administrative costs referred to in subdivision (f), the
9 High Technology Theft Apprehension and Prosecution Program
10 Trust Fund shall be expended to fund programs to enhance the
11 capacity of local law enforcement, state police, and local
12 prosecutors to deter, investigate, and prosecute high
13 technology-related crimes. Any funds distributed under this
14 chapter shall be expended for the exclusive purpose of deterring,
15 investigating, and prosecuting high technology-related crimes.

16 (c) Up to 10 percent of the funds shall be used for developing
17 and maintaining a statewide data base on high technology crime
18 for use in developing and distributing intelligence information to
19 participating law enforcement agencies. In addition, the Executive
20 Director of the ~~Office of Criminal Justice Planning~~ *agency or*
21 *agencies designated by the Director of Finance pursuant to*
22 *Section 13820* may allocate and award up to 5 percent of the funds
23 available to public agencies or private nonprofit organizations for
24 the purposes of establishing statewide programs of education,
25 training, and research for public prosecutors, investigators, and
26 law enforcement officers relating to deterring, investigating, and
27 prosecuting high technology-related crimes. Any funds not
28 expended in a fiscal year for these purposes shall be distributed to
29 regional high technology theft task forces pursuant to subdivision
30 (b).

31 (d) Any regional task force receiving funds under this section
32 may elect to have the Department of Justice administer the
33 regional task force program. The department may be reimbursed
34 for any expenditures incurred for administering a regional task
35 force from funds given to local law enforcement pursuant to
36 subdivision (b).

37 (e) The ~~Office of Criminal Justice Planning~~ *agency or agencies*
38 *designated by the Director of Finance pursuant to Section 13820*
39 shall distribute funds in the High Technology Theft Apprehension
40 and Prosecution Program Trust Fund to eligible agencies pursuant

1 to subdivision (b) in consultation with the High Technology Crime
2 Advisory Committee established pursuant to Section 13848.6.

3 (f) Administration of the overall program and the evaluation
4 and monitoring of all grants made pursuant to this chapter shall be
5 performed by the ~~Office of Criminal Justice Planning~~ agency or
6 agencies designated by the Director of Finance pursuant to
7 Section 13820, provided that funds expended for these functions
8 shall not exceed 5 percent of the total amount made available under
9 this chapter.

10 *SEC. 61. Section 13848.6 of the Penal Code is amended to*
11 *read:*

12 13848.6. (a) The High Technology Crime Advisory
13 Committee is hereby established for the purpose of formulating a
14 comprehensive written strategy for addressing high technology
15 crime throughout the state and to advise the ~~Office of Criminal~~
16 ~~Justice Planning~~ agency or agencies designated by the Director of
17 Finance pursuant to Section 13820 on the appropriate
18 disbursement of funds to regional task forces.

19 (b) This strategy shall be designed to be implemented through
20 regional task forces. In formulating that strategy, the committee
21 shall identify various priorities for law enforcement attention,
22 including the following goals:

23 (1) To apprehend and prosecute criminal organizations,
24 networks, and groups of individuals engaged in the following
25 activities:

26 (A) Theft of computer components and other high technology
27 products.

28 (B) Violations of Penal Code Sections 211, 350, 351a, 459,
29 496, 537e, 593d, and 593e.

30 (C) Theft of telecommunications services and other violations
31 of Penal Code Sections 502.7 and 502.8.

32 (D) Counterfeiting of negotiable instruments and other
33 valuable items through the use of computer technology.

34 (E) Creation and distribution of counterfeit software and other
35 digital information, including the use of counterfeit trademarks to
36 misrepresent the origin of that software or digital information.

37 (2) To apprehend and prosecute individuals and groups
38 engaged in the unlawful access, destruction, or unauthorized entry
39 into and use of private, corporate, or government computers and
40 networks, including wireless and wireline communications

1 networks and law enforcement dispatch systems, and the theft,
2 interception, manipulation, destruction, and unauthorized
3 disclosure of data stored within those computers.

4 (3) To apprehend and prosecute individuals and groups
5 engaged in the theft of trade secrets.

6 (4) To investigate and prosecute high technology crime cases
7 requiring coordination and cooperation between regional task
8 forces and local, state, federal, and international law enforcement
9 agencies.

10 (c) The Executive Director of the ~~Office of Criminal Justice~~
11 ~~Planning~~ *agency or agencies designated by the Director of*
12 *Finance pursuant to Section 13820* shall appoint the following
13 members to the committee:

14 (1) A designee of the California District Attorneys
15 Association.

16 (2) A designee of the California State Sheriffs Association.

17 (3) A designee of the California Police Chiefs Association.

18 (4) A designee of the Attorney General.

19 (5) A designee of the California Highway Patrol.

20 (6) A designee of the High Tech Criminal Investigators
21 Association.

22 (7) A designee of the ~~Office of Criminal Justice Planning~~
23 *agency or agencies designated by the Director of Finance*
24 *pursuant to Section 13820.*

25 (8) A designee of the American Electronic Association to
26 represent California computer system manufacturers.

27 (9) A designee of the American Electronic Association to
28 represent California computer software producers.

29 (10) A designee of the California Cellular Carriers
30 Association.

31 (11) A representative of the California Internet industry.

32 (12) A designee of the Semiconductor Equipment and
33 Materials International.

34 (13) A designee of the California Cable Television
35 Association.

36 (14) A designee of the Motion Picture Association of America.

37 (15) A designee of either the California Telephone Association
38 or the California Association of Long Distance Companies. This
39 position shall rotate every other year between designees of the two
40 associations.

1 (16) A designee of the Science and Technology Agency, if
2 Senate Bill 1136 is enacted, and, as enacted, creates the Science
3 and Technology Agency, otherwise, a designee of the Department
4 of Information Technology.

5 (17) A representative of the California banking industry.

6 (d) The Executive Director of the ~~Office of Criminal Justice~~
7 ~~Planning~~ *agency or agencies designated by the Director of*
8 *Finance pursuant to Section 13820* shall designate the Chair of the
9 High Technology Crime Advisory Committee from the appointed
10 members.

11 (e) The advisory committee shall not be required to meet more
12 than 12 times per year. The advisory committee may create
13 subcommittees of its own membership, and each subcommittee
14 shall meet as often as the subcommittee members find necessary.
15 It is the intent of the Legislature that all advisory committee
16 members shall actively participate in all advisory committee
17 deliberations required by this chapter.

18 Any member who, without advance notice to the executive
19 director and without designating an alternative representative,
20 misses three scheduled meetings in any calendar year for any
21 reason other than severe temporary illness or injury (as determined
22 by the Executive Director of the ~~Office of Criminal Justice~~
23 ~~Planning~~) *agency or agencies designated by the Director of*
24 *Finance pursuant to Section 13820*) shall automatically be
25 removed from the advisory committee. If a member wishes to send
26 an alternative representative in his or her place, advance written
27 notification of this substitution shall be presented to the executive
28 director. This notification shall be required for each meeting the
29 appointed member elects not to attend.

30 Members of the advisory committee shall receive no
31 compensation for their services, but shall be reimbursed for travel
32 and per diem expenses incurred as a result of attending meetings
33 sponsored by the ~~Office of Criminal Justice Planning~~ *agency or*
34 *agencies designated by the Director of Finance pursuant to*
35 *Section 13820* under this chapter.

36 (f) The executive director, in consultation with the High
37 Technology Crime Advisory Committee, shall develop specific
38 guidelines and administrative procedures for the selection of
39 projects to be funded by the High Technology Theft Apprehension

1 and Prosecution Program, which guidelines shall include the
2 following selection criteria:

3 (1) Each regional task force that seeks funds shall submit a
4 written application to the committee setting forth in detail the
5 proposed use of the funds.

6 (2) In order to qualify for the receipt of funds, each proposed
7 regional task force submitting an application shall provide written
8 evidence that the agency meets either of the following conditions:

9 (A) The regional task force devoted to the investigation and
10 prosecution of high technology-related crimes is comprised of
11 local law enforcement and prosecutors, and has been in existence
12 for at least one year prior to the application date.

13 (B) At least one member of the task force has at least three years
14 of experience in investigating or prosecuting cases of suspected
15 high technology crime.

16 (3) In order to qualify for funds, a regional task force shall be
17 comprised of local law enforcement and prosecutors from at least
18 two counties. At the time of funding, the proposed task force shall
19 also have at least one investigator assigned to it from a state law
20 enforcement agency. Each task force shall be directed by a local
21 steering committee composed of representatives of participating
22 agencies and members of the local high technology industry.

23 (4) Additional criteria that shall be considered by the advisory
24 committee in awarding grant funds shall include, but not be limited
25 to, the following:

26 (A) The number of high technology crime cases filed in the
27 prior year.

28 (B) The number of high technology crime cases investigated in
29 the prior year.

30 (C) The number of victims involved in the cases filed.

31 (D) The total aggregate monetary loss suffered by the victims,
32 including individuals, associations, institutions, or corporations,
33 as a result of the high technology crime cases filed, and those under
34 active investigation by that task force.

35 (5) Each regional task force that has been awarded funds
36 authorized under the High Technology Theft Apprehension and
37 Prosecution Program during the previous grant-funding cycle,
38 upon reapplication for funds to the committee in each successive
39 year, shall be required to submit a detailed accounting of funds
40 received and expended in the prior year in addition to any

1 information required by this section. The accounting shall include
2 all of the following information:

3 (A) The amount of funds received and expended.

4 (B) The use to which those funds were put, including payment
5 of salaries and expenses, purchase of equipment and supplies, and
6 other expenditures by type.

7 (C) The number of filed complaints, investigations, arrests, and
8 convictions that resulted from the expenditure of the funds.

9 (g) The committee shall annually review the effectiveness of
10 the regional task forces created in deterring, investigating, and
11 prosecuting high technology crimes and provide its findings in a
12 report to the Legislature and the Governor. This report shall be
13 based on information provided by the regional task forces in an
14 annual report to the committee which shall detail the following:

15 (1) Facts based upon, but not limited to, the following:

16 (A) The number of high technology crime cases filed in the
17 prior year.

18 (B) The number of high technology crime cases investigated in
19 the prior year.

20 (C) The number of victims involved in the cases filed.

21 (D) The number of convictions obtained in the prior year.

22 (E) The total aggregate monetary loss suffered by the victims,
23 including individuals, associations, institutions, corporations, and
24 other relevant public entities, according to the number of cases
25 filed, investigations, prosecutions, and convictions obtained.

26 (2) An accounting of funds received and expended in the prior
27 year, which shall include all of the following:

28 (A) The amount of funds received and expended.

29 (B) The uses to which those funds were put, including payment
30 of salaries and expenses, purchase of supplies, and other
31 expenditures of funds.

32 (C) Any other relevant information requested.

33 *SEC. 62. Section 13851 of the Penal Code is amended to read:*

34 13851. (a) There is hereby established in the ~~Office of~~
35 ~~Criminal Justice Planning~~ agency or agencies designated by the
36 Director of Finance pursuant to Section 13820 a program of
37 financial, training, and technical assistance for local law
38 enforcement, called the California Career Criminal Apprehension
39 Program. All funds made available to the ~~Office of Criminal~~
40 ~~Justice Planning~~ agency or agencies designated by the Director of

Finance pursuant to Section 13820 for the purposes of this chapter shall be administered and disbursed by the executive director of such office.

(b) The executive director is authorized to allocate and award funds to those local units of government or combinations thereof, in which a special program is established in law enforcement agencies that meets the criteria set forth in Sections 13852 and 13853.

(c) ~~Such~~ The allocation and award of funds shall be made upon application executed by the chief law enforcement officer of the applicant unit of government and approved by the legislative body. Funds disbursed under this chapter shall not supplant local funds that would, in the absence of the California Career Criminal Apprehension Program, be made available to support the apprehension of multiple or repeat felony criminal offenders.

(d) The Executive Director of the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 shall prepare and issue administrative guidelines and procedures for the California Career Criminal Apprehension Program consistent with this chapter.

(e) These guidelines shall set forth the terms and conditions upon which the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 is prepared to offer grants of funds pursuant to statutory authority. The guidelines do not constitute rules, regulations, orders or standards of general application.

SEC. 63. Section 13854 of the Penal Code is amended to read:

13854. (a) The Executive Director of the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820, shall develop specific guidelines, and administrative procedures, for the selection of the California Career Criminal Apprehension Program.

(b) Administration of the overall program and the evaluation and monitoring of all grants made under this chapter shall be performed by the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820, provided that funds expended for ~~such~~ those functions shall not exceed 7.5 percent of the total annual amount made available for the purpose of this chapter.

(c) Local assistance grants made pursuant to this chapter shall not be subject to review pursuant to Section 10290 of the Public Contract Code.

SEC. 64. Section 13861 of the Penal Code is amended to read:

13861. There is hereby created in the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 the Suppression of Drug Abuse in Schools Program. All funds made available to the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 for the purposes of this chapter shall be administered and disbursed by the executive director of the office in consultation with the State Suppression of Drug Abuse in Schools Advisory Committee established pursuant to Section 13863.

(a) The executive director, in consultation with the State Suppression of Drug Abuse in Schools Advisory Committee, is authorized to allocate and award funds to local law enforcement agencies and public schools jointly working to develop drug abuse prevention and drug trafficking suppression programs in substantial compliance with the policies and criteria set forth in Sections 13862 and 13863.

(b) The allocation and award of funds shall be made upon the joint application by the chief law enforcement officer of the coapplicant law enforcement agency and approved by the law enforcement agency's legislative body and the superintendent and board of the school district coapplicant. The joint application of the law enforcement agency and the school district shall be submitted for review to the Local Suppression on Drug Abuse in Schools Advisory Committee established pursuant to paragraph (4) of subdivision (a) of Section 13862. After review, the application shall be submitted to the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820. Funds disbursed under this chapter may enhance but shall not supplant local funds that would, in the absence of the Suppression of Drug Abuse in Schools Program, be made available to suppress and prevent drug abuse among school-age children and to curtail drug trafficking in and around school areas.

(c) The coapplicant local law enforcement agency and the coapplicant school district may enter into interagency agreements

between themselves which will allow the management and fiscal tasks created pursuant to this chapter and assigned to both the law enforcement agency and the school district to be performed by only one of them.

(d) Within 90 days of the effective date of this chapter, the Executive Director of the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 in consultation with the State Suppression of Drug Abuse in Schools Advisory Committee established pursuant to Section 13863 shall prepare and issue administrative guidelines and procedures for the Suppression of Drug Abuse in Schools Program consistent with this chapter. In addition to all other formal requirements that may apply to the enactment of these guidelines and procedures, a complete and final draft shall be submitted within 60 days of the effective date of this chapter to the Chairpersons of the Committee on Criminal Law and Public Safety of the Assembly and the Judiciary Committee of the Senate of the California Legislature.

SEC. 65. Section 13864 of the Penal Code is amended to read:

13864. There is hereby created, in the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820, the Comprehensive Alcohol and Drug Prevention Education component of the Suppression of Drug Abuse in Schools Program in public elementary schools in grades 4 to 6, inclusive. Notwithstanding Section 13861 or any other provision in this code, all Comprehensive Alcohol and Drug Prevention Education component funds made available to the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 in accordance with the Classroom Instructional Improvement and Accountability Act shall be administered by and disbursed to county superintendents of schools in this state by the Executive Director of the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820. All applications for that funding shall be reviewed and evaluated by the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820, in consultation with the State Department of Alcohol and Drug Programs and the State Department of Education.

1 (a) The executive director is authorized to allocate and award
2 funds to county department superintendents of schools for
3 allocation to individual school districts or to a consortium of two
4 or more school districts. Applications funded under this section
5 shall comply with the criteria, policies, and procedures established
6 under subdivision (b) of this section.

7 (b) As a condition of eligibility for the funding described in this
8 section, the school district or consortium of school districts shall
9 have entered into an agreement with a local law enforcement
10 agency to jointly implement a comprehensive alcohol and drug
11 abuse prevention, intervention, and suppression program
12 developed by the ~~Office of Criminal Justice Planning~~ *agency or*
13 *agencies designated by the Director of Finance pursuant to*
14 *Section 13820*, in consultation with the State Department of
15 Alcohol and Drug Programs and the State Department of
16 Education, containing all of the following components:

17 (1) A standardized age-appropriate curriculum designed for
18 pupils in grades 4 to 6, inclusive, specifically tailored and sensitive
19 to the socioeconomic and ethnic characteristics of the target pupil
20 population. Although new curricula shall not be required to be
21 developed, existing curricula may be modified and adapted to
22 meet local needs. The elements of the standardized comprehensive
23 alcohol and drug prevention education program curriculum shall
24 be defined and approved by the Governor's Policy Council on
25 Drug and Alcohol Abuse, as established by Executive Order #
26 D-70-80.

27 (2) A planning process that shall include both assessment of the
28 school district's characteristics, resources and the extent of
29 problems related to juvenile drug abuse, and input from local law
30 enforcement agencies.

31 (3) A school district governing board policy that provides for
32 a coordinated intervention system that, at a minimum, includes
33 procedures for identification, intervention, and referral of at-risk
34 alcohol- and drug-involved youth, and identifies the roles and
35 responsibilities of law enforcement, school personnel, parents,
36 and pupils.

37 (4) Early intervention activities that include, but are not limited
38 to, the identification of pupils who are high risk or have chronic
39 drug abuse problems, assessment, and referral for appropriate
40 services, including ongoing support services.

1 (5) Parent education programs to initiate and maintain parental
2 involvement, with an emphasis for parents of at-risk pupils.

3 (6) Staff and in-service training programs, including both
4 indepth training for the core team involved in providing program
5 services and general awareness training for all school faculty and
6 administrative, credentialed, and noncredentialed school
7 personnel.

8 (7) In-service training programs for local law enforcement
9 officers.

10 (8) School, law enforcement, and community involvement to
11 ensure coordination of program services. Pursuant to that
12 coordination, the school district or districts and other local
13 agencies are encouraged to use a single community advisory
14 committee or task force for drug, alcohol, and tobacco abuse
15 prevention programs, as an alternative to the creation of a separate
16 group for that purpose under each state or federally funded
17 program.

18 (c) The application of the county superintendent of schools
19 shall be submitted to the ~~Office of Criminal Justice Planning~~
20 *agency or agencies designated by the Director of Finance*
21 *pursuant to Section 13820*. Funds made available to the ~~Office of~~
22 ~~Criminal Justice Planning~~ *agency or agencies designated by the*
23 *Director of Finance pursuant to Section 13820* for allocation
24 under this section are intended to enhance, but shall not supplant,
25 local funds that would, in the absence of the Comprehensive
26 Alcohol and Drug Prevention Education component, be made
27 available to prevent, intervene in, or suppress drug abuse among
28 schoolage children. For districts that are already implementing a
29 comprehensive drug abuse prevention program for pupils in
30 grades 4 to 6, inclusive, the county superintendent shall propose
31 the use of the funds for drug prevention activities in school grades
32 other than 4 to 6, inclusive, compatible with the program
33 components of this section. The expenditure of funds for that
34 alternative purpose shall be approved by the executive director.

35 (1) Unless otherwise authorized by the ~~Office of Criminal~~
36 ~~Justice Planning~~ *agency or agencies designated by the Director of*
37 *Finance pursuant to Section 13820*, each county superintendent of
38 schools shall be the fiscal agent for any Comprehensive Alcohol
39 and Drug Prevention Education component award, and shall be
40 responsible for ensuring that each school district within that

1 county receives the allocation prescribed by the ~~Office of Criminal~~
2 ~~Justice Planning~~ agency or agencies designated by the Director of
3 Finance pursuant to Section 13820. Each county superintendent
4 shall develop a countywide plan that complies with program
5 guidelines and procedures established by the ~~Office of Criminal~~
6 ~~Justice Planning~~ agency or agencies designated by the Director of
7 Finance pursuant to Section 13820 pursuant to subdivision (d). A
8 maximum of 5 percent of the county's allocation may be used for
9 administrative costs associated with the project.

10 (2) Each county superintendent of schools shall establish and
11 chair a local coordinating committee to assist the superintendent
12 in developing and implementing a countywide implementation
13 plan. This committee shall include the county drug administrator,
14 law enforcement executives, school district governing board
15 members and administrators, school faculty, parents, and drug
16 prevention and intervention program executives selected by the
17 superintendent and approved by the county board of supervisors.

18 (d) The Executive Director of the ~~Office of Criminal Justice~~
19 ~~Planning~~ agency or agencies designated by the Director of
20 Finance pursuant to Section 13820, in consultation with the State
21 Department of Alcohol and Drug Programs and the State
22 Department of Education, shall prepare and issue guidelines and
23 procedures for the Comprehensive Alcohol and Drug Prevention
24 Education component consistent with this section.

25 (e) The Comprehensive Alcohol and Drug Prevention
26 Education component guidelines shall set forth the terms and
27 conditions upon which the ~~Office of Criminal Justice Planning~~
28 agency or agencies designated by the Director of Finance
29 pursuant to Section 13820 is prepared to award grants of funds
30 pursuant to this section. The guidelines shall not constitute rules,
31 regulations, orders, or standards of general application.

32 (f) Funds awarded under the Comprehensive Alcohol and Drug
33 Prevention Education Program shall not be subject to Section
34 10318 of the Public Contracts Code.

35 (g) Funds available pursuant to Item 8100-111-001 and
36 Provision 1 of Item 8100-001-001 of the Budget Act of 1989, or
37 the successor provision of the appropriate Budget Act, shall be
38 allocated to implement this section.

39 (h) The Executive Director of the ~~Office of Criminal Justice~~
40 ~~Planning~~ agency or agencies designated by the Director of

Finance pursuant to Section 13820 shall collaborate, to the extent possible, with other state agencies that administer drug, alcohol, and tobacco abuse prevention education programs to streamline and simplify the process whereby local educational agencies apply for drug, alcohol, and tobacco education funding under this section and under other state and federal programs. The ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820, the State Department of Alcohol and Drug Programs, the State Department of Education, and other state agencies, to the extent possible, shall develop joint policies and collaborate planning in the administration of drug, alcohol, and tobacco abuse prevention education programs.

SEC. 66. Section 13876 of the Penal Code is amended to read:

13876. (a) There is hereby established in the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 a pilot program of technical and financial assistance for counties, designated the California Drug Endangered Child Protection Act. All funds appropriated to the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 for the purposes of this chapter shall be administered and disbursed by the executive director and shall to the greatest extent feasible be coordinated or consolidated with federal funds that may be made available for these purposes. The ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 may retain up to 5 percent of the amount appropriated for purposes of this act to cover costs associated with administering this program.

(b) The executive director is authorized to allocate and award funds to counties in which the California Drug Endangered Child Protection Act is implemented in substantial compliance with the policies and criteria set forth in this chapter.

(c) The allocation and award of funds shall be made upon application executed by the county's district attorney, or county sheriff, if the sheriff is currently the lead agency in the county's existing Drug Endangered Children Program, and approved by its board of supervisors. Funds disbursed under this chapter shall not supplant local funds that would, in the absence of the California Drug Endangered Child Protection Act, be made available to support the functions of this program. The district attorney or

1 county sheriff shall consult with each agency receiving funding as
2 part of the county's Drug Endangered Children Program to
3 develop the budget submitted to the ~~Office of Criminal Justice~~
4 ~~Planning~~ agency or agencies designated by the Director of
5 Finance pursuant to Section 13820 for the purposes of
6 implementing this chapter.

7 (d) Law enforcement, prosecution, health, and children's
8 services personnel working on multiagency teams established
9 pursuant to this chapter shall be considered "multidisciplinary
10 personnel" as defined in Section 18951 of the Welfare and
11 Institutions Code, and may share information necessary for the
12 protection of the minor.

13 SEC. 67. Section 13879 of the Penal Code is amended to read:

14 13879. Commencing one year after the effective date of this
15 chapter, the ~~Executive Director of OCJP~~ agency or agencies
16 designated by the Director of Finance pursuant to Section 13820
17 shall make an annual report to the Legislature on the fiscal and
18 operational status of the program. This report shall include, at a
19 minimum, an evaluation of the number of clandestine laboratories
20 seized, the number of children located and removed from
21 clandestine laboratories, and the number of prosecutions of
22 individuals involved in the manufacturing and distribution of
23 methamphetamine or other controlled substances manufactured at
24 clandestine laboratories where children are present.

25 SEC. 68. Section 13879.5 of the Penal Code is amended to
26 read:

27 13879.5. (a) Available funds may be used by the ~~Office of~~
28 ~~Criminal Justice Planning~~ agency or agencies designated by the
29 Director of Finance pursuant to Section 13820 to fund countywide
30 Drug Endangered Children Programs in the Counties of Butte, Los
31 Angeles, Orange, Riverside, San Bernardino, San Diego, and
32 Shasta, for the purpose of implementing this chapter.

33 (b) (1) The funds available in subdivision (a) that remain after
34 funding the countywide programs specified in subdivision (a) may
35 be distributed to up to five additional counties to fund Drug
36 Endangered Children Programs. These funds shall be distributed
37 to counties on a competitive grant basis.

38 (2) The following factors shall be considered in awarding these
39 grants:

40 (A) Size of the county.

1 (B) Number of clandestine laboratories seized in the county.

2 (C) Number of prosecutions brought against clandestine
3 laboratories at which children were found.

4 (D) Number of children found at seized or prosecuted
5 clandestine laboratories.

6 (E) Does the county have the demonstrated ability to utilize
7 multiagency emergency response teams to meet the immediate
8 health and safety needs of children found at clandestine drug
9 laboratories, as well as a demonstrated ability to prosecute the
10 individuals operating those laboratories.

11 (3) One representative of each local agency involved in
12 implementing a county's Drug Endangered Children Program
13 shall form an executive committee, the function of which is to
14 distribute the grant funds awarded the county under subdivision
15 (a) in a fair and equitable manner and for the purposes of
16 implementing this chapter.

17 (4) The county health and welfare agencies shall be responsible
18 for coordinating health-related services for children living in
19 clandestine laboratories seized by a county drug endangered
20 children response team pursuant to this program. The county
21 health and welfare agencies shall consult with the district attorney
22 when developing the health services protocols in order to ensure
23 that the health services protocols do not interfere with the law
24 enforcement functions of the drug endangered children response
25 teams.

26 *SEC. 69. Section 13881 of the Penal Code is amended to read:*

27 13881. (a) There is hereby established in the ~~Office of~~
28 ~~Criminal Justice Planning~~ agency or agencies designated by the
29 *Director of Finance pursuant to Section 13820* a program of
30 financial and technical assistance for district attorneys' offices,
31 designated the California Major Narcotic Vendors Prosecution
32 Law. All funds appropriated to the ~~Office of Criminal Justice~~
33 ~~Planning~~ agency or agencies designated by the *Director of*
34 *Finance pursuant to Section 13820* for the purposes of this chapter
35 shall be administered and disbursed by the executive director of
36 the office in consultation with the California Council on Criminal
37 Justice, and shall to the greatest extent feasible be coordinated or
38 consolidated with federal funds that may be made available for
39 these purposes.

(b) The executive director is authorized to allocate and award funds to counties in which the California Major Narcotic Vendors Prosecution Law is implemented in substantial compliance with the policies and criteria set forth in this chapter.

(c) The allocation and award of funds shall be made upon application executed by the county's district attorney and approved by its board of supervisors. Funds disbursed under this chapter shall not supplant local funds that would, in the absence of the California Major Narcotic Vendors Prosecution Law, be made available to support the prosecution of felony drug cases. Funds available under this program shall not be subject to review, as specified in Section 14780 of the Government Code.

(d) The executive director shall prepare and issue written program and administrative guidelines and procedures for the California Major Narcotic Vendors Prosecution Program consistent with this chapter, which shall be submitted to the Chairpersons of the Assembly Committee on Public Safety and the Senate Committee on Criminal Procedure. These guidelines shall permit the selection of a county for the allocation and award of funds only on a finding by the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 that the county is experiencing a proportionately significant increase in major narcotic cases. Further, the guidelines shall provide for the allocation and award of funds to small county applicants, as designated by the executive director. The guidelines shall also provide that any funds received by a county under this chapter shall be used only for the prosecution of cases involving major narcotic dealers. For purposes of this subdivision, "small county" means a county having a population of 200,000 or less.

SEC. 70. Section 13897.2 of the Penal Code is amended to read:

13897.2. (a) The ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 shall grant an award to an appropriate private, nonprofit organization, to provide a statewide resource center, as described in Section 13897.1.

(b) The center shall:

(1) Provide callers with information about victims' legal rights to compensation pursuant to Chapter 5 (commencing with Section

1 13959) of Part 4 of Division 3 of Title 2 of the Government Code
2 and, where appropriate, provide victims with guidance in
3 exercising these rights.

4 (2) Provide callers who provide services to victims of crime
5 with legal information regarding the legal rights of victims of
6 crime.

7 (3) Advise callers about any potential civil causes of action
8 and, where appropriate, provide callers with references to local
9 legal aid and lawyer referral services.

10 (4) Advise and assist callers in understanding and
11 implementing their rights to participate in sentencing and parole
12 eligibility hearings as provided by statute.

13 (5) Advise callers about victims' rights in the criminal justice
14 system, assist them in overcoming problems, including the return
15 of property, and inform them of any procedures protecting
16 witnesses.

17 (6) Refer callers, as appropriate, to local programs, which
18 include victim-witness programs, rape crisis units, domestic
19 violence projects, and child sexual abuse centers.

20 (7) Refer callers to local resources for information about
21 appropriate public and private benefits and the means of obtaining
22 aid.

23 (8) Publicize the existence of the toll-free service through the
24 print and electronic media, including public service
25 announcements, brochures, press announcements, various other
26 educational materials, and agreements for the provision of
27 publicity, by private entities.

28 (9) Compile comprehensive referral lists of local resources that
29 include the following: victims' assistance resources, including
30 legal and medical services, financial assistance, personal
31 counseling and support services, and victims' support groups.

32 (10) Produce promotional materials for distribution to law
33 enforcement agencies, state and local agencies, print, radio, and
34 television media outlets, and the general public. These materials
35 shall include placards, video and audio training materials, written
36 handbooks, and brochures for public distribution. Distribution of
37 these materials shall be coordinated with the local victims' service
38 programs.

39 (11) Research, compile, and maintain a library of legal
40 information concerning crime victims and their rights.

(12) Provide a 20-percent minimum cash match for all funds appropriated pursuant to this chapter which match may include federal and private funds in order to supplement any funds appropriated by the Legislature.

(c) The resource center shall be located so as to assure convenient and regular access between the center and those state agencies most concerned with crime victims. The entity receiving the grant shall be a private, nonprofit organization, independent of law enforcement agencies, and have qualified staff knowledgeable in the legal rights of crime victims and the programs and services available to victims throughout the state. The subgrantee shall have an existing statewide, toll-free information service and have demonstrated substantial capacity and experience serving crime victims in areas required by this act.

(d) The services of the resource center shall not duplicate the victim service activities of the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 or those activities of local victim programs funded through the office.

(e) The subgrantee shall be compensated at its federally approved indirect cost rate, if any. For the purposes of this section, “federally approved indirect cost rate” means that rate established by the federal Department of Health and Human Services or other federal agency for the subgrantee. Nothing in this section shall be construed as requiring the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 to permit the use of federally approved indirect cost rates for other subgrantees of other grants administered by the office.

(f) All information and records retained by the center in the course of providing services under this chapter shall be confidential and privileged pursuant to Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code and Article 4 (commencing with Section 6060) of Chapter 4 of Division 3 of the Business and Professions Code. Nothing in this subdivision shall prohibit compilation and distribution of statistical data by the center.

SEC. 71. Section 13897.3 of the Penal Code is amended to read:

13897.3. ~~The Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 shall develop written guidelines for funding and performance standards for monitoring the effectiveness of the resource center program. The program shall be evaluated by a public or private nonprofit entity under a contract with the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820.

SEC. 72. Section 13901 of the Penal Code is amended to read:

13901. (a) For the purposes of coordinating local criminal justice activities and planning for the use of state and federal action funds made available through any grant programs, criminal justice and delinquency prevention planning districts shall be established.

(b) On January 1, 1976, all planning district boundaries shall remain as they were immediately prior to that date. Thereafter, the number and boundaries of ~~such~~ those planning districts may be altered from time to time by a two-thirds vote of the California Council on Criminal Justice pursuant to this section; provided that no county shall be divided into two or more districts, nor shall two or more counties which do not comprise a contiguous area form a single ~~such~~ district.

(c) Prior to taking any action to alter the boundaries of any planning district, the council shall adopt a resolution indicating its intention to take the action and, at least 90 days prior to the taking of the action, shall forward a copy of the resolution to all units of government directly affected by the proposed action together with notice of the time and place at which the action will be considered by the council.

(d) If any county or a majority of the cities directly affected by the proposed action objects thereto, and a copy of the resolution of each board of supervisors or city council stating its objection is delivered to the executive office of the ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 within 30 days following the giving of the notice of the proposed action, the council, or a duly constituted committee thereof, shall conduct a public meeting within the boundaries of the district as they are proposed to be determined. Notice of the time and place of the meeting shall be given to the public and to all units of local government directly affected by the proposed action, and reasonable opportunity shall

1 be given to members of the public and representatives of ~~such~~
2 ~~those~~ units to present their views on the proposed action.

3 *SEC. 73. Section 14111 of the Penal Code is amended to read:*

4 14111. The Legislature further finds that:

5 (a) It is in the public interest to translate the findings of the
6 California Commission on Crime Control and Violence
7 Prevention into community-empowering, community-activated
8 violence prevention efforts that would educate, inspire, and inform
9 the citizens of California about, coordinate existing programs
10 relating to, and provide direct services addressing the root causes
11 of, violence in California.

12 (b) The recommendations in the report of the commission can
13 serve as both the foundation and guidelines for short, intermediate,
14 and long-term programs to address and alleviate violence in
15 California.

16 (c) It is in the public interest to facilitate the highest degree of
17 coordination between, cooperation among, and utilization of
18 public, nonprofit, and private sector resources, programs,
19 agencies, organizations, and institutions toward maximally
20 successful violence prevention and crime control efforts.

21 (d) Prevention is a sound fiscal, as well as social, policy
22 objective. Crime and violence prevention programs can and
23 should yield substantially beneficial results with regard to the
24 exorbitant costs of both violence and crime to the public and
25 private sectors.

26 (e) ~~The Office of Criminal Justice Planning~~ *agency or agencies*
27 *designated by the Director of Finance pursuant to Section 13820*
28 is the appropriate state agency to contract for programs addressing
29 the root causes of violence.

30 *SEC. 74. Section 14112 of the Penal Code is amended to read:*

31 14112. The Legislature therefore intends:

32 (a) To develop community violence prevention and conflict
33 resolution programs, in the state, based upon the recommendations
34 of the California Commission on Crime Control and Violence
35 Prevention, that would present a balanced, comprehensive
36 educational, intellectual, and experiential approach toward
37 eradicating violence in our society.

38 (b) That these programs shall be regulated, and funded
39 pursuant to contracts with the ~~Office of Criminal Justice Planning~~

1 *agency or agencies designated by the Director of Finance*
2 *pursuant to Section 13820.*

3 *SEC. 75. Section 14117 of the Penal Code is amended to read:*

4 14117. (a) Each program shall have a governing board or an
5 interagency coordinating team, or both, of at least nine members
6 representing a cross section of existing and recipient,
7 community-based, public and private persons, programs,
8 agencies, organizations, and institutions. Each team shall do all of
9 the following:

10 (1) As closely as possible represent the socioeconomic, ethnic,
11 linguistic, and cultural makeup of the community and shall
12 evidence an interest in and commitment to the categorical areas of
13 violence prevention and conflict resolution.

14 (2) Be responsible for the implementation, evaluation, and
15 operation of the program and all its constituent elements, including
16 ~~such~~ those specific direct services as may be provided pursuant to
17 Section 14115.

18 (3) Be accountable for the distribution of all funds.

19 (4) Designate and appoint a responsible administrative
20 authority acceptable to the ~~Office of Criminal Justice Planning~~
21 *agency or agencies designated by the Director of Finance*
22 *pursuant to Section 13820* prior to the receipt of a grant.

23 (5) Submit an annual report to the ~~Office of Criminal Justice~~
24 ~~Planning~~ *agency or agencies designated by the Director of*
25 *Finance pursuant to Section 13820* which shall include
26 information on all of the following:

27 (A) The number of learning events.

28 (B) The number of persons trained.

29 (C) An overview of the changing level of information
30 regarding root causes of violence.

31 (D) An overview of the changing level of attitude regarding
32 root causes of violence.

33 (E) The changing level of behavior regarding root causes of
34 violence.

35 (F) The degree to which the program has been successful in
36 satisfying the requirements set forth in subdivisions (e) and (f) of
37 Section 14114.

38 (G) Other measures of program efficacy as specified by the
39 ~~Office of Criminal Justice Planning~~ *agency or agencies designated*
40 *by the Director of Finance pursuant to Section 13820.*

(b) Coordinating teams established under this section may adopt local policies, procedures, and bylaws consistent with this title.

SEC. 76. *Section 14118 of the Penal Code is amended to read:*

14118. (a) ~~During the first six months of calendar year 1985, the Office of Criminal Justice Planning~~ *The agency or agencies designated by the Director of Finance pursuant to Section 13820 shall prepare and issue written program, fiscal, and administrative guidelines for the contracted programs that are consistent with this title, including guidelines for identifying recipient programs, agencies, organizations, and institutions, and organizing the coordinating teams. The ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 shall then issue a request for proposals. The responses to the request for proposals shall be rated according to the priorities set forth in subdivision (b) and additional criteria established by the guidelines. The highest rated responses shall be selected. The ~~Office of Criminal Justice Planning~~ agency or agencies designated by the Director of Finance pursuant to Section 13820 shall do all of the following:*

(1) Subject the proposed program and administrative guidelines to a 30-day period of broad public evaluation with public hearings commencing in May 1985, prior to adoption, including specific solicitation of input from culturally, geographically, socioeconomically, educationally, and ethnically diverse persons, programs, agencies, organizations, and institutions.

(2) Provide adequate public notice of the public evaluation around the state in major metropolitan and rural newspapers and related media outlets, and to local public, private, and nonprofit human service executives and advisory boards, and other appropriate persons and organizations.

(3) Establish a mechanism for obtaining, evaluating, and incorporating when appropriate and feasible, public input regarding the written program and administrative guidelines prior to adoption.

(b) Applicants for contracts under this title may be existing community-based public and nonprofit programs, agencies, organizations, and institutions, newly developed nonprofit

1 corporations, or joint proposals from combinations of either or
2 both of the above.

3 *SEC. 77. Section 14119 of the Penal Code is amended to read:*

4 14119. (a) ~~The Office of Criminal Justice Planning~~ agency or
5 agencies designated by the Director of Finance pursuant to
6 Section 13820 shall promote, organize, and conduct a series of
7 one-day crime and violence prevention training workshops around
8 the state. ~~The Office of Criminal Justice Planning~~ agency or
9 agencies designated by the Director of Finance pursuant to
10 Section 13820 shall seek participation in the workshops from
11 ethnically, linguistically, culturally, educationally, and
12 economically diverse persons, agencies, organizations, and
13 institutions.

14 (b) The training workshops shall have all of the following
15 goals:

16 (1) To identify phenomena which are thought to be root causes
17 of crime and violence.

18 (2) To identify local manifestations of those root causes.

19 (3) To examine the findings and recommendations of the
20 California Commission on Crime Control and Violence
21 Prevention.

22 (4) To focus on team building and interagency cooperation and
23 coordination toward addressing the local problems of crime and
24 violence.

25 (5) To examine the merits and necessity of a local crime and
26 violence prevention effort.

27 (c) There shall be at least three workshops.

28 *SEC. 78. Section 14120 of the Penal Code is amended to read:*

29 14120. (a) Programs shall be funded, depending upon the
30 availability of funds, for a period of two years.

31 (b) ~~The Office of Criminal Justice Planning~~ agency or agencies
32 designated by the Director of Finance pursuant to Section 13820
33 shall provide 50 percent of the program costs, to a maximum
34 amount of fifty thousand dollars (\$50,000) per program per year.
35 The recipient shall provide the remaining 50 percent with other
36 resources which may include in-kind contributions and services.
37 The administrative expenses for the pilot programs funded under
38 Section 14120 shall not exceed 10 percent.

1 (c) Programs should be seeking private sector moneys and
2 developing ways to become self-sufficient upon completion of
3 pilot program funding.

4 (d) The recipient programs shall be responsible for a yearend
5 independent audit.

6 (e) ~~The Office of Criminal Justice Planning~~ *agency or agencies*
7 *designated by the Director of Finance pursuant to Section 13820*
8 shall do an interim evaluation of the programs, commencing in
9 July 1986, and shall report to the Legislature and the people with
10 the results of the evaluation prior to October 31, 1986. The
11 evaluation shall include, but not be limited to, an assessment and
12 inventory of all of the following:

13 (1) The number of learning events.

14 (2) The number of persons trained.

15 (3) The changing level of information regarding root causes of
16 violence.

17 (4) The changing level of attitude regarding root causes of
18 violence.

19 (5) The changing level of behavior regarding root causes of
20 violence.

21 (6) The reduced level of violence in our society.

22 (7) The degree to which the program has succeeded in reaching
23 and impacting positively upon local ethnic, cultural, and
24 socioeconomic groups in the service area.

25 A final evaluation shall be made with a report prior to October
26 31, 1987, which shall also include specific recommendations to the
27 Legislature and the people of this state regarding methods and
28 means by which these violence prevention and crime control
29 programmatic efforts can be enhanced and improved.

30 *SEC. 79. Section 14121 of the Penal Code is amended to read:*

31 14121. ~~The Office of Criminal Justice Planning~~ *agency or*
32 *agencies designated by the Director of Finance pursuant to*
33 *Section 13820* may hire support staff and utilize resources
34 necessary to carry out the purposes of this title.

35 *SEC. 80. Section 14140 of the Penal Code is amended to read:*

36 14140. (a) Each county is authorized and encouraged to
37 create a county task force on violent crimes against women. The
38 board of supervisors of a county which elects to create a task force
39 under this section shall notify the ~~Office of Criminal Justice~~
40 ~~Planning~~ *agency or agencies designated by the Director of*

1 *Finance pursuant to Section 13820* that the county is establishing,
2 by appointment, a countywide task force. Each county task force
3 shall develop a countywide policy on violent crimes against
4 women.

5 (b) ~~The Office of Criminal Justice Planning~~ *agency or agencies*
6 *designated by the Director of Finance pursuant to Section 13820*
7 may provide technical assistance to, and collect and disseminate
8 information on, the county task forces established under this
9 section.

10 *SEC. 81. Section 14172 of the Penal Code is amended to read:*

11 14172. By June 30, 2001, each designated county shall
12 prepare and submit to the Legislative Analyst a detailed
13 cost-benefit analysis of the entire program, wherein the cost to
14 operate the program shall be measured against savings realized
15 from crime prevention, crime suppression, and the number of
16 prosecutions resulting from the program. These savings shall
17 include the reduction of economic loss resulting from crime during
18 the life of the project. The Legislative Analyst shall evaluate the
19 program, in consultation with the ~~Office of Criminal Justice~~
20 ~~Planning~~ *agency or agencies designated by the Director of*
21 *Finance pursuant to Section 13820*, and shall present its
22 evaluation, including a detailed cost-benefit analysis of the entire
23 program, to the Governor, the Joint Legislative Budget
24 Committee, and the fiscal committees of the Legislature, by
25 December 31, 2001.